MANITOBA

ANNUAL REPORT

1982

Office of the
Ombudsman

MANITOBA
OFFICE OF OMBUDSMAN

Thirteenth Annual

Report of the

OMBUDSMAN

For the period January 1st, 1982 — December 31st, 1982

Presented to the Legislature pursuant
to Section 42 of The Ombudsman Act

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The Honourable D. James Walding
Speaker of the Legislative Assembly
Province of Manitoba

Dear Mr. Speaker:

In accordance with Section 42 of The Ombudsman Act, I am pleased to submit the Annual Report of the Ombudsman for the calendar year January 1 to December 31, 1982.

Yours very truly,

Gordon S. Earle

GORDON S. EARLE,
OMBUDSMAN

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ABBREVIATIONS

B.C.I.—Brandon Correctional Institution
B.M.H.C.—Brandon Mental Health Centre
C.A.S.—Children's Aid Society
C.H.R.P.—Critical Home Repair Program
C.R.I.S.P.—Child Related Income Support Program
H.C.I.—Headingley Correctional Institution
H.S.C.—Health Sciences Centre
M.C.I.C.—Manitoba Crop Insurance Corporation
M.P.I.C.—Manitoba Public Insurance Corporation
P.T.H.—Provincial Trunk Highway
R.C.M.P.—Royal Canadian Mounted Police
R.R.C.C.—Red River Community College
S.M.H.C.—Selkirk Mental Health Centre
S.M.P.—Stony Mountain Penitentiary
U.I.C.—Unemployment Insurance Commission
W.R.C.—Winnipeg Remand Centre
W.R.H.A.—Winnipeg Regional Housing Authority

Introduction

Under The Ombudsman Act of Manitoba, the Lieutenant Governor in Council shall, on the recommendation of a Special Committee of the Assembly, appoint a Canadian citizen as Ombudsman for the Province of Manitoba. Pursuant to Section 2(1) of The Ombudsman Act, I was appointed Ombudsman effective September 7, 1982, succeeding Manitoba's first Ombudsman, Mr. George W. Maltby, who retired in March, 1982, after having served the province in a very commendable fashion for twelve years. My inheritance from Mr. Maltby was a highly-effective and well-respected Ombudsman's office.

Acknowledgements

While this will be my first official report to the Legislature and to the people of Manitoba, it must be acknowledged that a good portion of this report relates to work carried out by the office prior to my assumption of duties as Ombudsman. A special thank you is extended to George Maltby for the direction given to the office during the first quarter of the year, and to Reginald F. Webb for his leadership as Acting Ombudsman following Mr. Maltby's retirement. As well, I express appreciation to the remaining staff members, namely Barry E. Tuckett, Max Regiedzinski, Karen Sacher and Lorna Bardarson, all of whom contributed meaningfully to the work of the office during the past year. This report is a tribute to the dedication and hard work of the entire staff of the Ombudsman's Office.

History and Philosophy

The concept of Ombudsman as we know it today had its origin in Sweden around 1809. Almost a century earlier, King Charles XII of Sweden had decreed in 1713 that there should be a supreme representative of the King — later called the Chancellor of Justice — to watch over government officials. It was soon felt that the Chancellor was not sufficiently independent from the government to be able to protect the citizens adequately, and public authorities should be supervised by an office entirely independent of government. Hence, when Sweden's new constitution of 1809 divided the powers of the state between the King and his Council, Parliament, and the courts, Parliament was given the power to appoint an Ombudsman to make certain that the laws were adhered to by the administrative authorities and by the courts. The Swedish word "ombud" refers to a person who acts as a spokesperson or representative of another person, and the Ombudsman, in his/her supervisory role is a representative of the Parliament and thereby of the citizens.

The concept spread throughout the Scandanavian countries and eventually to the British Commonwealth countries by way of New Zealand in 1962. The idea made its debut in Canada first in the Province of Alberta in 1967 and some months later that same year in the Province of New Brunswick. In 1969, the Legislative Assembly of Manitoba enacted legislation providing for the appointment of an Ombudsman for this province and the first Ombudsman was appointed in 1970. Now, some 13 years later, the Office of the Ombudsman still thrives and continues to be a necessary and vibrant part of the Manitoba society.

While the personal style and philosophy of Ombudsman may vary from individual to individual, generally speaking, the legislation for all 9 Canadian provinces having Ombudsmen (Prince Edward Island being the exception) has the same basic goal which is to provide an avenue for investigation of grievances that involve government departments or agencies. The legislation may vary somewhat from province to province but basic to all is the mandate of investigating grievances and ensuing fair play by government officials. Author Donald C. Rowat, in his book entitled *The Ombudsman, Citizen's Defender*, describes the Ombudsman as being an independent, non-partisan officer of the legislature: supervising the administration; dealing with specific complaints from the public against administrative injustice and maladministration; and having the power to investigate, criticize and publicize but not to reverse administrative action.

My own basic philosophy is that the Ombudsman's Office is a "helping office". We should be able to offer some guidance and direction to those who come seeking our help. While we must always be mindful of our specific legislative mandate, we must not become so entangled with, or fearful of, jurisdictional questions that we render ourselves immobile and useless. We must recognize what we can do and try to do it to the best of our ability, at all times being honest and forthright.

The Ombudsman, a servant of the Legislature (and hence of the people), is an impartial, objective investigator of complaints who is neither for nor against the government, nor, for nor against the citizen. The Ombudsman's position is neutral as he/she seeks to obtain the facts of a problem under investigation. As the facts become clear, the Ombudsman attempts to resolve problems by conciliation, mediation and recommendation. It is only at the stage when the Ombudsman has determined that the complaint *is* or *is not* supported by the evidence available that he perhaps erroneously is viewed by those involved as being for one party and against the other. However, in reality, it is the evidence revealed from a thorough impartial in-

vestigation that determines the outcome of a complaint and the Ombudsman remains fair, impartial and unbiased during this process. The Ombudsman is not for or against any individual but *is for* justice and fairness in the administration of the laws of our province by government officials.

Office Staff

The number of positions in the Ombudsman's Office remains the same, that is a total of six, namely The Ombudsman, Assistant to The Ombudsman, two Investigative Assistants, and two Administrative Secretaries. Reginald F. Webb, Assistant to The Ombudsman for the past eight years, was recently the successful candidate for the position of Deputy Registrar of the Motor Vehicle Branch of the Department of Highways and Transportation, leaving our office to commence his new duties on November 29, 1982. Barry E. Tuckett, formerly Investigative Assistant, was promoted to Assistant to The Ombudsman leaving one vacant position which we are in the process of filling at the time of writing this report. Although the number of staff has not increased, the workload has increased significantly and staff are measuring up well to the added responsibility.

Impressions of Manitoba

Being a newcomer to the Province of Manitoba and at this point having lived here several months, I feel it is appropriate to disclose a couple of my impressions thus far. Firstly, I have been impressed by the vastness of this part of the country, not only the geographical vastness but also the vast variety of cultural and ethnic backgrounds of the people. Manitoba, and Winnipeg in particular, is truly a cosmopolitan society rich in cultural heritage and ethnic and racial diversity. People with backgrounds from many countries all over the world have come together to help shape the history of this relatively young part of the world. Although a very rich history already exists, one gets the impression, in comparison to other areas that much of Manitoba's history is still in the making. The social organizations; cultural, ethnic, linguistic, and racial groups; the governments of the day; and individual citizens all are in a unique position of being able to contribute meaningfully and give positive direction to the history of this great province. As Manitobans face up to the social, economic and human rights issues of our day, I firmly believe that we are in a position to bring forth solutions which will serve as positive examples to be followed by others.

Secondly, my family and I have been tremendously impressed by the friendliness of the people of Manitoba. People whom we have met from practically all walks of life have truly lived up to the automobile licence plate slogan "Friendly Manitoba". We have been made to feel truly welcome by the friendly smiles and warm hearts of all whom we have met. As well as rekindling relationships with relatives of mine who moved here many years ago, I surprisingly have also met and renewed acquaintance with friends and school mates of whom I had lost track long, long ago. This has added a very warm and personal touch to our settling in to a new home, and has helped make us feel truly a part of this friendly province.

Public Relations

Contact with Government Officials

The Ombudsman has many "publics" with whom he must make contact and establish rapport. One such public, naturally, is the government bureaucracy since the primary mandate of the Ombudsman is to investigate grievances involving government departments and agencies. I have therefore made an effort, and will continue to do so as time permits, to meet with Ministers; Deputy Ministers; Directors; Administrative Heads of Departments, Boards and Agencies; Superintendents of Institutions; and various other officials of the Provincial Government.

Individuals frequently complain to our office not only about the provincial government departments over which we have jurisdiction, but also about matters involving the federal government and municipal governments. In such cases, we attempt to offer meaningful advice and make appropriate referrals to key personnel within the federal or municipal system. To that end, I have made contact with some federal government officers here in Winnipeg and will continue to do so. I also had the pleasure of explaining the Ombudsman's function to the Manitoba Association of Urban Municipalities at its 34th Annual Conference held during the month of October at the Royal Oak Inn in Brandon, Manitoba. Our office will continue to make contact and establish meaningful relationships with officials of all levels of government so that we will be well-equipped to offer direction to those who come to us seeking help.

Contact with Community Groups and Organizations

It is very important that the Ombudsman's Office be available and accessible to all members of our society who might have need of it. We therefore appreciate the opportunity of meeting with community groups and organizations at their various social functions where we can make our presence known and explain the work of our office. Since becoming Ombudsman, I have been pleased to participate in functions organized by such groups as: The Manitoba Association of Rights and Liberties; The Bengali Club of Manitoba; The Congress of Black Women of Canada, Manitoba Chapter; The Daughters of Queen Victoria Temple No. 456; The Canadian Caribbean Association of Winnipeg, Inc.; The Afro-Caribbean Association of Manitoba; Seven Oaks General Hospital Foundation Incorporated; The Kiwanis Club of East Kildonan; The Winnipeg Rotary Club; and The Nigerian Association of Winnipeg.

Our office continues to spread the message about the ombudsman concept to students in our educational institutions and during the past year addressed classes at Technical Vocational School, Lorette Collegiate, The University of Winnipeg, and The University of Manitoba.

I also had the opportunity of meeting with the Management Committee of the Child Protection Centre of the Children's Hospital at the Health Sciences Centre, to discuss ideas about child advocacy and to explain how the Ombudsman's Office can be of help in matters involving children.

Section 22 of The Ombudsman Act ensures that persons in institutions have the opportunity of submitting their concerns to the Ombudsman. That section reads as follows:

> "Privacy of communication to Ombudsman.
> 22 Notwithstanding any Act, where a letter written by a person in custody on a charge or after conviction for an offence, or by an inmate in any hospital, mental hospital, home or institution operated by or under the direction of the government, or by any person in custody of another person for any other reason, is addressed to the Ombudsman, it shall be forwarded immediately, unopened, to the Ombudsman by the person for the time being in charge of the place or institution where the writer of the letter is detained or in which he is an inmate, or by the person having custody of the writer."

Over the years, our office has been very careful to respond to complaints received from those incarcerated in penal institutions or hospitalized in psychiatric facilities. I was pleased this past year to have had dialogue with a representative of the Last Boost Club and the Phoenix Club, two self help clubs whose membership is comprised of those who have suffered from mental illness and who are now doing well and making strides in helping themselves and others. We discussed the role of the Ombudsman's Office in assisting those who are confined to psychiatric facilities, and I made it clear that our office usually sends a staff member to the institution to discuss matters personally with anyone who brings a concern to our attention. Notices regarding our services and the rights of a patient to contact us are posted in the institutions. Also the various institutions, in their handbooks advising patients of their rights, spell out very clearly the role of the Ombudsman's Office.

Visitations to Institutions

As mentioned above, the Ombudsman's Office has a special role to play in ensuring that persons residing in institutions have their grievances heard. While such grievances often centre around policies, procedures, and rules of the institution, they are not necessarily restricted to such matters. Sometimes persons confined to institutions have concerns about the well-being of their families on the outside, or are anxious about how their real and personal property or estate property is being managed by The Public Trustee's Office, or they may wonder about plans being worked out for them by government or community social service agencies regarding rehabilitation, vocational, or occupational counselling.

As well as receiving complaints by mail from those in institutions, we make visits to the institutions as time permits, and in that way the inmates and residents can present their concerns to us personally. During the past year, I visited the Egg Lake Correctional Camp, The Pas Correctional Institution, Dauphin Correctional Institution, the Winnipeg Remand Centre, Headingley Correctional Institution, the Portage la Prairie Correctional Centre for Women, the Agassiz Centre for Youth, and the Seven Oaks Centre for Youth. Other staff members have visited the various other correctional and psychiatric facilities throughout the province. In the course of receiving complaints and generally monitoring conditions at these institutions, we have been pleased to note the very positive and dedicated work being done by employees in these institutions despite what sometimes appears to be overwhelming odds. Work in penal, psychiatric and youth facilities is a most difficult and sometimes thankless job, often subject to undue criticism by those who would rather not do the job themselves. Under such adverse circumstances, employees must struggle hard to maintain within themselves a

pride in their work. We commend those who are able to bring to this setting a sense of kindness, human compassion and fair play. This we have certainly seen in many of the institutions we have visited.

Contact with Other Ombudsmen

Because the Ombudsman concept in Canada is a relatively new concept, being less than twenty years old, it is very important that we maintain contact with our Canadian colleagues, and colleagues throughout the world, so that we can keep abreast of developments in this kind of work and become better equipped to serve the people of our province as we investigate their complaints against government administration. In this regard, the Canadian Ombudsmen hold a conference very year and every four years an International Ombudsmen Conference is convened which brings together Ombudsmen from all over the world. Apart from these specific conferences, there is often a sharing of ideas, knowledge and information between offices as the need arises. During the past year, I had occasion to visit the offices of the Saskatchewan Ombudsman, Mr. David A. Tickell; and the British Columbia Ombudsman, Dr. Karl Friedmann. Also, I was pleased to receive at my office a representative of the Northwest Territories Intergovernmental Affairs Department, Ms. Terri Boldt, who was conducting research on Ombudsman offices as the Northwest Territories is looking at the possibility of appointing an Ombudsman. As well, your Ombudsman was happy to receive a visit from Mr. Thomas Hugh Kernohan, C.B.E., the Ombudsman for Ireland. These contacts with Ombudsmen and other officials, nationally and internationally, serve to promote not only the Ombudsman's Office but also the people and the Province of Manitoba. We have a lot to be proud of and to share with others.

Contact with the Mass Media

A discussion on public relations would not be complete without a word about our contact with the communications system that reaches the public at large; namely, our newspaper, radio, and television network. Since my appointment as Ombudsman, I have had more than adequate newspaper, radio, and television coverage. I have been interviewed on radio and television (both the French and English networks) and have had newspaper interviews in both the English and French newspapers. The Ombudsman feels very strongly that the mass media have a very distinct social responsibility not simply to report news, but to report it accurately and fairly. In a way, I feel the news media should possess some of the qualities of an Ombudsman; namely, tact, diplomacy, honesty, fairness, objectivity and at the same time empathy and sensitivity to the concerns of others. The media coverage given to the Ombudsman's Office to date has been very supportive and we look forward to a continued positive relationship as we work together to serve the people of Manitoba.

A Word About Complaints

The number of written complaints received in 1982 was 551, a slight increase over the 526 received during 1981. As well, we recorded 348 telephone inquiries for the months of September, 1982, to December, 1982, giving a total of 899 cases for the past calendar year. I believe the increase in complaints can, in part, be related to the increased publicity given to the office as the result of the appointment of a new Ombudsman. Also, as we continue to make known through public appearances and speaking engagements the accessibility of our office, more people avail themselves of our services. Apart from these reasons, there seems to be a general upward trend in people protesting against what they perceive to be unfair treatment. This may perhaps be due to the social and economic conditions of these times. High levels of unemployment, limited economic opportunities and social unrest all contribute to making people more vocal about their concerns. We have noticed that other public service agencies, such as the Office of the Rentalsman, the Human Rights Commission, the Consumers' Bureau and others, have all indicated an increase in their caseloads. Such increased activity places an added demand on those who are serving the public in such offices.

One assumption that one must be bery careful not to make is that because there is an increase in complaints government is becoming less efficient. The number of complaints per se does not necessarily reflect the efficiency or inefficiency of government departments or agencies. As mentioned earlier, the number of complaints may, in part, reflect the social and economic tenor of the times. Also, the number of complaints may, to some degree, reflect the activity level of government; i.e. whether a government is actively involved in building highways, stimulating the farming industry, promoting economic development, dealing with environmental issues, advancing human rights, forwarding social allowance and community development programs, or reviewing child welfare concerns. The more active a government may be in addressing the needs of the

people it governs, the more contact a government has with its people. The more involvement a government has in the lives of individuals, the more opportunity there is for complaints to arise. Hence, an increased number of complaints at the Ombudsman's Office may in fact be saying that there is an increased amount of activity by government as it attempts to deal with the issues of today's society.

Generally, the Ombudsman's Office is not overly concerned about the number of complaints we receive since, as mentioned already, we do not necessarily see numbers as being indicative of good or bad administration; rather, we place more emphasis on how government departments and agencies respond to the matters we bring to their attention. We see receptivity, openness, co-operation and flexibility as signs of good administration. Thus far, with practically all the government departments and agencies with which we have dealt, we have found that there has been co-operation and a willingness to try to resolve problems where possible and where not possible we have still found that a high measure of respect has been given to the Office of the Ombudsman.

Where the Ombudsman may become concerned with numbers is when there is a large number of similar complaints happening over and over again. If such complaints were recurring because an act, error or omission which had been previously drawn to the attention of a department remains uncorrected, then we could really have cause for concern. Secondly, we may become concerned over numbers if we have a large number of similar complaints resulting not from improper administration of the law, but rather from the law itself. In such a case, the Ombudsman would recommend that the law on which the administrative action was based be reconsidered. One must keep in mind here that the making of laws is the business of the politicians, those officials whom we elect to represent us. The Ombudsman does not become involved in the making of laws, but rather investigates grievances that arise as these laws are being administered by government departments or agencies. In the course of this function, the Ombudsman can and does comment on these laws, recommending when necessary that laws giving rise to grievances be reconsidered.

At this point, I would add just a note on the disposition of complaints by our office. The question of how we finally settle and dispose of complaints is very important and an understanding of that process is vital in order to fully appreciate the role and function of the Ombudsman.

The Ombudsman may become involved in an investigation through the following ways:

1. Receiving complaints directly from the public;
2. Initiating an investigation on his own motion;
3. Receiving referrals from committees of the House of Assembly; and
4. Receiving referrals from the Lieutenant Governor in Council (Cabinet).

Upon receipt of a complaint or on his own motion, the Ombudsman conducts a thorough, impartial investigation. The Ombudsman has wide powers of investigations, including the protection and powers of a Commissioner under the Manitoba Evidence Act. If the evidence gathered during the investigation supports that a government department or agency is at fault, then an appropriate recommendation will be made. If the facts reveal that the government department or agency is not at fault, then the complainant will be so informed. If a government department or agency does not follow the Ombudsman's recommendation, then the Ombudsman may report the matter to the Lieutenant Governor in Council and may thereafter mention the situation in his next annual report to the Legislature. It should be emphasized that the Ombudsman is independent of government and is an officer of the Legislature reporting to that body through the Speaker. In this way, the Ombudsman is responsible to the people of the Province of Manitoba. As well as reporting to the Legislature through the Speaker, the Ombudsman, in the public interest or in the interest of a person, department or agency of the government, may publish reports relating generally to the exercise and performance of his functions and duties. In this vein, he may publish reports on any particular case investigated by him whether or not the matters to be dealt with in the report have been the subject of the report made to the Assembly under the Ombudsman Act.

Upon concluding our involvement with a matter we indicate how the file was disposed of, that is, whether we declined to investigate; whether we rendered assistance by way of making a referral or supplying information; or whether the complaint was supported, rectified or a recommendation made. In any event, over the years a fair degree of terminology has grown up around what we refer to as the "disposition of complaints". The intention of this terminology is to give an understanding of how matters before the Ombudsman have been handled. Unfortunately, sometimes people have looked upon these case "dispositions" as a measurement of the degree of "success", if we may use that word, of the Ombudsman's Office and the term "rectified" has often been viewed as the most significant disposition of complaints. Although it

is important to be able to "rectify" or make right a situation that may be wrong and can be made right, not all situations that come before the Ombudsman are of that nature and therefore other dispositions are equally important. Many problems that come before the Ombudsman are resolved by way of referral to the appropriate department or agency to handle such matters, or by the giving of information which may clarify matters for the complainant. Hence, dispositions such as "referred", "information supplied" and "assistance rendered" are as important as the term "rectified" if one is to take an honest look at the usefulness of the Ombudsman's Office.

The Ombudsman's Office measures its success, or better still its effectiveness, not by the number of cases we show as "rectified" but rather by the degree to which we have been able to help people resolve their problems or at least fully understand the situation that gave rise to the problem; and understand as well the options, if any, available for further recourse. During the next calendar year, we shall be changing somewhat the terminology for dispostions of cases to better reflect this philosophy.

Complaint Statistics

Cases Brought Forward From the Previous Year

At the close of the calendar year 1981, 17 cases were pending. The dispositions of these cases are as follows:

Abandoned	2
Assistance Rendered	4
Information Supplied	4
Not Supported	3
Rectified	4
Total	17

Dispositions of 1982 Complaints

Abandoned	8
Assistance Rendered	62
Declined	36
Discontinued	14
Information Supplied	192
Not Supported	120
Pending	19
Recommendation	1
Rectified	68
Referred	27
Withdrawn	4
Total	551

The cases where one might view the Ombudsman as having been most helpful from the point of view of the complainant are those which have been closed out as Assistance Rendered, Information Supplied, Rectified and Referred. When we combine these dispositions, we find that out of the 532 cases completed the Ombudsman has been of some *direct help* in 349 cases, that is *66%*.

In the one case where a recommendation was made, the recommendation was not accepted by the department and no further action was taken on this particular matter.

There were 19 cases, that is *3%* of the workload, *carried over* to be disposed of in the next reporting year.

There was a relatively small number of cases where the Ombudsman *declined* to investigate, namely 36 cases or *6%* of the total number of complaints.

About *23%* of the complaints investigated were found to be *not supported*, which in essence means that the evidence available did not support that the government department or agency involved was at fault.

About *4%* of the workload involved cases where the complaint was *abandoned* or the investigation *discontinued* for various reasons. Sometimes the reason was a lack of interest on the part of the complainant or the choice of another avenue of redress, for example, the court system. In other cases, the Ombudsman may have found the complaint: required no further investigation; dated back too far in time; was frivolous, vexatious, not made in good faith, or concerned a trivial matter; or was not in the best interest of the public or the person aggrieved.

Complaints By The Year

Year	Written Complaints	Telephone Inquiries	Total of Written Complaints and Telephone Inquiries
1970	333	—	333
1971	396	—	396
1972	487	—	487
1973	441	—	441
1974	641	—	641
1975	651	—	651
1976	596	—	596
1977	606	—	606
1978	543	—	543
1979	531	—	531
1980	510	—	510
1981	526	—	526
1982	551	348*	899
Totals	6,812	348	7,160

* This number represents telephone inquiries from September 16, 1982, to December 30, 1982.

Prior to this time, there have been numerous telephone inquiries but these have not been recorded. We have now instituted a procedure for recording these inquiries, as we feel it is important to properly reflect the workload of the office and, also, without such recording it is difficult to retrieve appropriate information when necessary.

Sources of Complaints

Alexander	1	McCreary	2
Altamont	1	Neepawa	1
Altona	3	Oak Lake	2
Arden	1	Plum Coulee	1
Argyle	1	Plumas	1
Ashville	1	Portage la Prairie	9
Baldur	1	Powerview	1
Beausjeour	1	Rathwell	1
Birds Hill	1	Rossburn	2
Bonnyville	1	Rosser	1
Brandon	30	Russell	2
Carberry	3	St. Claude	2
Carman	1	St. Laurent	2
Cartwright	1	St. Lazare	5
Dauphin	6	St. Malo	1
Elgin	1	St. Pierre	1
Elkhorn	1	St. Rose du Lac	1
Emerson	1	Selkirk	14
Fairford	1	Seven Sisters	1
Fisher Branch	1	Sifton	1
Fort Whyte	1	Steinbach	2
Garson	1	Stonewall	2
Gilbert Plains	1	Stony Mountain	6
Gimli	1	Swan River	4
Gladstone	1	The Pas	4
Grand Rapids	1	Thompson	4
Grandview	3	Virden	8
Headingley	53	Vita	1
Hodgson	1	Wabowden	1
Iles des Chenes	1	Wanipigow	1
Inwood	1	Wassagamak	1
Kelwood	1	Westwin	1
Kirkella	1	Winkler	2
La Riviere	1	Winnipeg	295
La Salle	1	Winnipeg Beach	2
Lorette	1	Woodmore	1
Lynn Lake	1	Woodridge	1
Mather	4	Out of Province	30
Melita	1	TOTAL	551

Selected Case Summaries

82-110-18 Department of the Attorney General

Seizure of a radar detection device

Under the Highway Traffic Act, it is an offence to drive a motor vehicle that is equipped with a radar detection device, to have possession of such a device in a motor vehicle and/or to permit a motor vehicle registered in your name to remain equipped with such a unit. The Act provides for the seizure of the device by a police officer and for the Court to order it confiscated or returned to the owner.

In this case, the complainant, a resident of Saskatchewan travelling to Winnipeg, was stopped by the R.C.M.P. near Minnedosa, Manitoba, and charged with possession of a radar detection device. The device was seized as evidence. Subsequently, the complainant pleaded guilty to the offence, paid the fine and returned to Saskatchewan.

A few days later, he requested the return of the device and was informed that the Court had ordered it confiscated. He decided to appeal the Order of the Court and he wrote to the County Court of Winnipeg for the appeal documents. Apparently, he was advised that he would have to obtain the forms from the County Court in Minnedosa and that he had only 30 days from the date of conviction to appeal.

By this time, the appeal period had almost expired and the complainant wrote to our office requesting our assistance in obtaining an extension to the appeal period.

Our office wrote to the Assistant Deputy Minister of the Department of the Attorney-General outlining the circumstances and enquiring into the possibility of extending the appeal period to give our complainant adequate time to file his appeal.

As a result, the Assistant Deputy Minister requested the Senior Crown Attorney for the Western Judicial District to advise the Court that the Crown would consent to any extension of time required for the complainant to file his appeal. The Court granted an order extending the time following which the matter was heard and the Court ordered the return of the radar detection device to the complainant.

Our file was concluded as rectified.

It is important to note that the Department of the Attorney-General had received a number of complaints from persons who reside outside of Manitoba where the use of radar detection devices are legal, some of whom no doubt entered Manitoba without knowing the laws concerning possession and use of such devices.

During this investigation, the Department reviewed the matter and as a result issued a new policy directive to the R.C.M.P., the City of Winnipeg Police and the Brandon Police Department. The new policy requests that radar detection devices not be seized in circumstances where a police officer is satisfied that the driver or owner of a vehicle is not aware that the use of a radar detection device is not permitted in the Province of Manitoba and where the use of the device is permitted in the jurisdiction in which the driver or owner resides.

82-310-1 and 82-310-2 Civil Service Superannuation Board

Refund of "War Service" payments refused

In 1976, the Civil Service Superannuation Act was amended to allow civil servants an opportunity to include "War Service" as pensionable service. By purchasing "War Service", a person could maximize the pension benefit on retirement. A maximum benefit payable of 70% is reached after approximately 36½ years of service based on the average annual salary for the best 7 of the last 12 years of employment.

Two recently retired civil servants had purchased "War Service" credits in 1976 to bring their pensionable service to 36½ years at age 60, thereby raising their pension benefit to the maximum of 70% on early retirement. However, circumstances were such that they felt the need to continue working beyond their planned retirement date, negating the benefit from a portion of the "War Service" purchased. Accordingly, they requested a refund of their payment from the Civil Service Superannuation Board. The Board rejected their request.

Our office reviewed this matter and it was noted that employees had been advised by letter of the following:

> "If you believe that your combined "War Service" plus your regular service will be in excess of about 36½ years before age 65 or the date that you plan on retiring early, we suggest that you contact us and discuss your situation prior to purchasing your "War Service"."

In addition, the brochure advising of the opportunity to purchase "War Service" stated:

> "NOTE: If you are presently at maximum pensionable service or if you are very close, it may not be advantageous to make application."

By purchasing "War Service" credits, a person receives the protection of maximizing his pension benefit in the event of early retirement or disability. The fact that our complainants worked beyond the date of their anticipated retirement did not negate the protection they had, should they have decided to retire earlier. The Board suggested that requesting a refund when the protection is no longer required is comparable to a person requesting a refund on the purchase of term life insurance premiums.

It was apparent that the Board had advised applicants of the maximum pension benefit and cautioned applicants who were close to maximum pensionable service that it may not be advantageous to make application. It was clearly the applicants' decision to purchase the credits in view of their own particular circumstances. Further, the applicants did receive the protection of maximizing pension benefits in case of early retirement or disability.

Accordingly, it was felt that no recommendation could be made to the Board on our complainants' behalf.

82-260-36 Department of Community Services and Corrections

Assistance cheques withheld

A lady who looks after her partially paralyzed brother wrote to our office regarding problems she was having with an Income Security Office from which monthly assistance cheques were received on behalf of her brother.

The main concerns expressed were that without her knowledge monthly cheques were withheld and taxi service for her brother to attend church each Sunday had been suspended.

Enquiries were made with the Income Security Counsellor handling the case and his Supervisor. We were advised that the Counsellor had received a letter dated January 5, 1982, from a lawyer acting on behalf of our complainant. The letter advised that cheques were not received regularly and enquired about the taxi service. The Counsellor, in reviewing the matter at that time, noticed that a home visit had not been conducted since 1974. Before responding to the lawyer, the Counsellor decided to complete a home visit.

From the notes in the case file, it appeared that the Counsellor had made two visits prior to January 27, 1982, but found no one home. The Counsellor was on vacation during the month of February. During this period, the cheque was not withheld. However, the cheque which would have been sent out on March 22, 1982, was held for personal delivery. It was noted in the files that the Director of the Income Security Office had telephoned the residence a number of times in March but failed to get an answer. Due to the apparent difficulty in contacting the lady, the counsellor decided to hold the cheque until she contacted the office.

The lady contacted the Income Security Office on April 8, 1982, enquiring about the cheque. It was at this time that she was advised of the need for a home visit before the cheque would be released. I understand the discussions that took place became quite hostile.

It was apparent that the completion of the home visit was the first problem to resolve. Our complainant, now frustrated, displayed some reluctance to co-operate with the Counsellor. She was willing to allow the Counsellor to conduct a home visit provided my Investigative Assistant was present. This was agreeable to all parties and the home visit was conducted on April 20, 1982.

Following the home visit, the cheque was released, the taxi service reinstated and apparently amicable communication between the Counsellor and our complainant was established.

Had the Counsellor written to the lawyer acting on behalf of our complainant in January, 1982, advising of the need for a home visit, I doubt that we would have received this complaint. As it happened, our complainant was not aware that a home visit was required and that cheques were being withheld until she contacted the Income Security Office in April.

I recognize that efforts were made by the Counsellor to contact our complainant, however, the fact remains that it took from January 5th to April 20th before a home visit was completed. The problem could have been resolved much sooner and perhaps a conflict would have been avoided if, at the outset, the Counsellor had responded to the lawyer or had notified our complainant in writing of the problem.

The Counsellor was aware of our concern.

82-260-73 Department of Community Services and Corrections

Social assistance denied

The complainant in this case had been supporting her granddaughter, as the mother of the child had abandoned her. The complainant was seeking legal custody through the Courts.

As the complainant, a divorced mother herself, had a rather small income and was raising two teenage daughters, an application for financial assistance to support her granddaughter was made with the Income Security Division. According to the complainant, the Income Security Counsellor handling this case advised her to discuss support with the mother of the child, our complainant's daughter.

Apparently, the child's mother had been receiving social assistance. The assistance was cancelled when she went south for the winter. On return, the mother abandoned the child and avoided any contact with the Income Security Office possibly due to a concern that she may have previously received an overpayment of social assistance. In any case, she was not about to co-operate in this matter.

The complainant wrote our office stating:

> "Now the point is why should the child be denied benefit because of what her mother has done. I am willing to support the child myself, but dental and medical will supposedly be costly."

We wrote the Director of the Income Security Office requesting information concerning whether an application for assistance had been accepted and formally denied and if the applicant had been advised of her right of appeal to the Social Services Advisory Committee.

Subsequently, we received a letter from the Income Security Counsellor, simply stating that the applicant should request support from the child's mother and that they had advised the applicant to discuss the issue with the Court.

Not only had our questions not been answered, but in view of the Social Allowances Act and the Manual of Social Allowances Policy, the response was not satisfactory.

Another letter was sent to the Director of the Income Security Office with a copy to the Assistant Deputy Minister responsible for the Income Security Division. This letter referred to provisions in the Income Security Administrative Manual and requested clarification to determine whether or not an applicant for social assistance had been treated fairly in accordance with the legislated responsiblities of the Department. Again our main concern was whether an application had been formally accepted and, if so, what assessment had been made to determine eligibility, needs of the child and financial resources available for the child. In addition, we requested information concerning the normal practice of the Department in advising applicants of their rights of appeal.

Shortly thereafter, we were advised by the Director that our complainant had in fact made application for assistance and when no assistance was forthcoming she had launched an appeal. However, our complainant did not appear on the date set for the hearing as she apparently forgot.

Nevertheless, the Director advised that a cheque for the child's maintenance would be delivered to our complainant and financial assistance would continue pending an investigation into the ability of the natural mother to take financial responsibility for her child.

The complainant wrote to our office expressing her appreciation for the assistance provided in resolving this matter.

82-260-105 Department of Community Services and Corrections

Safety provisions in Correctional facility

While in Portage la Prairie on other matters, my Assistant and I took the opportunity to visit the Portage Correctional Institution for Women. We were treated very hospitably and received a tour of the recently renovated building.

A considerable amount of money was spent in upgrading the fire safety standard of the building and installing new fireproof doors at many locations. Resulting from this, any fire that may break out in any given location should be much more efficiently contained by way of isolation with fireproof doors.

However, it was noted that, although the modifications achieved some desired results, inmates housed in certain locations would have difficulty in communicating with the main control area in emergency situations, when the fire and dorm doors are closed.

Noting that it would be impractical to have a staff member in each location at all times, we wrote to the Director of Adult Corrections suggesting that consideration be given to installing some type of intercommunication, either oral or by bell, whereby control staff could be alerted by inmates of the existence of an emergency.

The Department actively pursued the matter. Within a few months, we were informed that wireless communication devices had been installed in the Institution. The devices are turned on and in continuous operation with the main control area whenever the fire doors and dorm doors are in a locked position. This appeared to resolve the concern.

As usual, we found very good co-operation and receptiveness from the Corrections Division.

82-260-108 Department of Community Services
Dispensing of medication at Headingley Correctional Institution

A complaint was received from a Correctional Officer employed at the Headingley Correctional Institution who said that he wished to bring to our attention a concern on behalf of all Correctional Officers at the Institution. Apparently, the Medical Department at the Institution had directed that the Correctional Officers issue medication prescribed for inmates. Two or three months prior, if an inmate needed medication he would be moved from the area where he was located to the Medical Section and the medication would be administered directly by medical staff. However, to limit movement of the inmates between the various areas, it had been determined that medication would be prescribed by the Medical Department, taken to the location by the nurse and from there the Correctional Officers would give the medication to the inmate.

The Correctional Officers were concerned that if anything went wrong as a result of an inmate being given certain medication, they, being the persons who actually passed the medication to the inmates, would be open for possible law suits. It was said that they checked with a lawyer and that their lawyer confirmed their fears in this regard.

I referred the matter to the office of the Director of Adult Corrections and requested a report. Subsequently, a letter was received from the Director of Adult Corrections explaining the policy. Basically, we were advised as follows.

Medication in the main building is dispensed by nursing staff. It is given to an inmate by the nurse either in the medical area or in the inmate's location.

In three annexes, the system is somewhat different. The inmate's daily dosage is placed in an individual pack by the nurse as prescribed by the doctor. No more than a 12-day supply is completed at a time. The inmate's name is placed on each individual pack with instruction as to the daily amount and time to be taken. There is a card in the annex with starting and finishing dates for each inmate on medication. Therefore, every aspect is controlled by the Medical Section other than actually giving the medication to the inmate.

The Correctional Officer is, in no way, responsible for what is in the pack as it is filled by the nurse. The medication is kept in a locked steel box in each annex. All the Correctional Officer does is read the instruction on the pack, break it open and give it to the inmate.

It was felt that this was a well-controlled procedure which takes no more than five minutes of an Officers time each day. This method is utilized in The Pas and Dauphin Correctional Institutions and in a modified format at the Brandon Correctional Institution. It was noted that the Rockwood Institution at Stony Mountain has officers delivering medication as well. Further, the system in Manitoba is modelled after Saskatchewan where it has been in operation in their correctional facilities for some time. We were advised that the purpose behind this procedure is to slow down the movement of inmates from annexes to the main building which poses obvious security problems.

The matter was discussed with the Deputy Commissioner of Corrections. In addition, a legal opinion was obtained from my private legal counsel.

Based on the information received, I felt that a method of delivery which would minimize the role of Correctional Officers should be considered. I wrote to the Director of Adult Corrections, advising that after giving appropriate consideration to this matter it was my opinion that where there is a nurse and medical personnel available to the institution an alternate method of dispensing medication should be devised so that Correctional Officers are not exposed to the risks involved in such a matter.

Subsequently, I was provided with a copy of a legal opinion obtained by the Director from his Departmental Solicitor and a copy of a directive sent to all Superintendents of Provincial Correctional Institutions. The directive indicated that, as the role of the Correctional Officer is restricted simply to the delivery of medication and takes no part in the prescribing, dispensing or administering of medication, it was not seen to be illegal. However, the directive requested that where possible the nurse deliver medication and where not possible the same method as used in the past shall be followed.

I reviewed the matter further. Essentially, the legal opinions received touched upon the same points, which, generally speaking, were that if errors were made or negligence was involved in the delivery of medication, legal proceedings could take place but the government institution, as the employer, would have to bear the ultimate responsibility. It was apparent that it was not illegal for the Correctional Officers to deliver medication.

I wrote the Director, expressing appreciation for his co-operation, and stating that hopefully it may be possible for the nurse to deliver the medication in practically all instances and that the other situations may be few and far between.

82-340-1 Department of Environment

Approval for operation of private waste disposal ground refused

The owner of a combined restaurant-service station-motel operation near Wabowden, Manitoba, wrote to our office about the problems the business was having with a local Public Health Inspector over the disposal of garbage.

The complainant had been using abandoned Highways Department property some 500 yards west of the business as a garbage disposal area. However, according to the complainant, the Public Health Inspector had advised that the area could only be used to burn garbage, with the remaining rubble to be hauled to Wabowden some 30 miles away. The complainant felt that the cost of such an operation was prohibitive and continued to use the site. Subsequently, the Public Health Inspector issued an offence notice under the Clean Environment Act for littering resulting in a $250.00 fine to our complainant.

The letter of complaint suggested that the solution to the problem was not in hauling garbage 30 miles but rather in having the present dumping grounds made an official waste disposal site.

Our office received a report on the matter from the Environmental Management Division. The situation was explained as follows.

In 1970, the previous owner of the business apparently started dumping refuse on adjacent land occupied by the Department of Highways. The Department had a small refuse area on the site which was used by its construction crew. In 1976, the Department was advised by the Public Health Inspector that the disposal site was too close to the highway and to the Mitishto River. The Department then burned all refuse and discontinued using the site.

The previous owner of the business was also informed of the Public Health Inspector's concerns and the Inspector began an investigation to locate a new site for him. As the previous owner was not prepared to build an access road to any of the sites investigated, it was agreed that the old site could be used for storage subject to the following conditions:

1) Burning to be accomplished with the approval of the local Conservation Officer.
2) Removal of all burned material to the Wabowden dump for final disposal.
3) No burial of waste material to be allowed at the site.
4) All metal products (i.e. appliances, automobiles) to be shipped to Winnipeg for reclamation or taken to the Wabowden dump for disposition.
5) Efforts to be made to control littering and scattering of waste material through a general cleanup as necessary.

Some time later, our complainant purchased the business and continued to use the old site contrary to the conditions of the original agreement with the previous owner. The Public Health Inspector wrote to our complainant in August, 1978, advising of the conditions for use of the site. It was pointed out that the site was merely a storage area for waste until final disposal is accomplished at a registered waste disposal ground.

The complainant was advised that a private waste disposal ground could be pursued, however, registration must be made through the Public Health Inspector's office and all the regulations under the Clean Environment Act must be met.

Communication between our complainant and the Public Health Inspector continued but the conditions for use of the site were not met resulting in the issue of an offence notice in September, 1981.

The Public Health Inspector resumed his inspections of the site and was accused of being "quite obnoxious". In a report from his Regional Supervisor, it was stated that the Public Health Inspector had not been "obnoxious" as suggested by our complainant but rather was merely trying to rectify a situation that has continued since 1976.

The Inspector and his Regional Supervisor met with our complainant in June of 1982 and emphasized that the site could not be used as a waste disposal ground. Subsequently, the Inspector and the son of our complainant investigated a number of possible sites in the area. A site was found approximately six miles from the business. The son indicated that they would consider the site but would also look for another location.

Following our review of this matter, we reported our findings to the complainant stating that we could not disagree with the decision of the Department that for environmental reasons the site could not be registered as a waste disposal ground. Further, we advised our complainant that our investigation showed continuous efforts by departmental staff to co-operate in locating an alternate site for a waste disposal ground.

Accordingly, the complainant was advised that there was no recommendation the Ombudsman could make in this matter.

82-350-3 Department of Government Services

Company not provided with the opportunity to submit a tender for purchase of food requirements for Red River Community College

A complaint was received from a supplier of fish products, stating that the Purchasing Bureau did not give the company an opportunity to submit quotations for the frozen food requirements of the Red River Community College.

A report was received from the Purchasing Bureau in which we were advised that a new contract system for the purchase of food requirements for the College had been introduced.

The previous system required the calling of many tenders due to the large variety of food required. With the large quantity of orders placed and the purchasing from several suppliers, the College had less flexibility in planning its menu and additional costs were incurred in processing invoices and preparing cheques for each and every supplier.

The new system requires the calling of tenders from suppliers who are capable of providing a total food service program on an annual basis. Dealing with fewer suppliers results in reduced operating costs, improved service, flexibility in menu variety and a reduction in menu costs. With the flexibility in ordering, the College is able to take advantage of manufacturer's specials and, further, the flexibility has permitted the College to reduce its inventory thereby eliminating some of the efforts and costs associated with large inventories.

It is acknowledged that one of the disadvantages of the new system is that suppliers of single or few commodities are not able to tender. However, the supplier of large varieties of commodities would likely be obtaining some of its commodities from the more specialized suppliers.

In reviewing this matter, it was apparent that the Purchasing Bureau had given serious consideration to the method by which food requirements are purchased for the Red River Community College and the reasons for introducing the new contract system appear to be fair and reasonable.

The complainant was informed accordingly.

82-160-29 Department of Health

Concern by patient in mental hospital over care of personal property

In July, a letter was received from a patient in the Selkirk Mental Health Centre expressing concerns over the whereabouts of her $300.00 parka. My Investigative Assistant was dispatched to the Centre to interview the patient.

It was discovered that The Public Trustee was acting on behalf of the patient in the management of her affairs. An Estates Manager for The Public Trustee had the parka retrieved from a dry cleaning firm and it was to be returned to the patient as soon as the weather became colder. The patient was satisfied with this.

During the interview with the patient, my Investigative Assistant was made aware of her concerns over other property that she would like to retrieve. Apparently, a few weeks earlier, she had absconded from the Centre and was staying at a hotel in Winnipeg. When she was apprehended and returned to the Centre, she requested that her social worker return some personal belongings which she had left in the hotel room. However, she felt the social worker was not co-operating. My Investigative Assistant assured the patient that he would pursue the matter.

Enquiries were made with the Office of The Public Trustee following which we were advised that her personal property had been recovered and forwarded to her at the Centre.

The patient was contacted and she confirmed that her belongings had been returned.

This case was concluded, showing the problem resolved. From a review of the matter, it was apparent that the property had not been lost nor was negligence involved in the safekeeping of her property.

82-160-39 Department of Health
Dissatisfaction with son's placement upon discharge from mental hospital

A patient in the Selkirk Mental Health Centre was placed in a boarding home and only returned to the Centre for injections. He did not want to stay in the boarding home but was reluctant to express his feelings for fear of being returned to the Centre.

His mother wrote to our office requesting that her son be allowed to live at her home. She stated:

> "They won't let him come home, for they think I am too old to look after him, but I have all my facilities and he can help me with work around the grounds and other jobs."

Enquiries were made with the Centre and we were advised that the matter would be reviewed.

Subsequently, we were advised that approval had been given to allow the patient to reside in his mother's home.

My Investigative Assistant spoke to the patient at his mother's residence and confirmed that the matter had been resolved to everyone's satisfaction.

81-220-19 Department of Highways and Transportation
Request for the Department to construct an access road denied

In December of 1981, a letter was received from an elderly widow concerning a problem with access onto Provincial Trunk Highway No. 3 from her property. This was a complex matter involving some actions which took place over 25 years ago.

The problem centred around what was considered to be a service road located immediately east of the highway. This road was built many years ago fronting a number of lots to limit the number of direct accesses onto the highway. Our complainant had access to the highway via this road to crossings either to the south or north of her property.

Recently it was discovered that the road, rather than simply being adjacent to the lots, was actually located on the property of the lot owners. This meant that access to the highway by our complainant, being one of the lot owners, was via the road onto neighbouring property and from there onto the highway. This lady did not have access from her property directly onto the highway and she was, in a strictly legal sense, landlocked from the highway by neighbouring properties.

The complainant felt that, as a mistake was made many years ago by either the Department of Highways or the Rural Municipality when the service road was originally constructed, direct access should be provided to her by the appropriate level of government. The letter of complaint read:

> "I cannot see why I should have to pay for an exit on account of someone else's mistake and also because legally I have no exit and have to cross someone else's property in order to get onto the highway."

On receipt of this letter, our office made numerous enquiries in an attempt to determine the circumstances which resulted in the lady being without legal access to the highway. I will explain the situation as briefly as possible.

In 1956, the lady's husband purchased the property and completed the construction of a house by July of that year. According to our complainant, a verbal request to the Department of Highways in 1957 for a direct access from the property onto the highway was refused for the reason that the service road provided access. Apparently, the service road was in place at that time.

Our complainant recalls that the Department gravelled the service road between 1958 and 1960 and further, a Highways employee spread a large load of gravel on the service road in about 1964. The road had been graded once a year and maintained during the winter months.

In 1970, a trucking firm began operating immediately north of our complainant's property. The trucks used the service road in front of her home as an approach to an access south of her property. It was after her husband passed away in 1976 that she complained to the trucking firm about damage to the road and dust problems caused by the trucks passing in front of her home. The trucking firm had direct access to the highway to the north but also used the access south of her property. She complained to the R.C.M.P. and to the Rural Municipality to no avail.

In early 1981, our complainant was advised, by the Rural Municipality and the Department of Highways, that the service road, or at least a portion of it, was in fact on her property. Subsequently, she put a fence across the road on her property thereby preventing use of the road by the trucking firm.

Both our complainant and the trucking firm applied to the Highway Traffic Board for permits to construct an access road from their respective properties directly onto the highway. The Highway Traffic Board approved permits to construct a joint access on the property line.

The trucking firm constructed an access road to service its property. Our complainant did not, as she could ill afford to pay for the construction since her only source of income is a small D.V.A. pension.

The complainant found herself in a difficult situation. The Rural Municipality had ceased maintenance of the road providing access to the highway. Accordingly, she would have to pay for snow removal in winter, which she could not afford, or remove the snow herself. The prospect of shovelling snow from approximately 100 feet of road had her quite concerned. The construction of a direct access from her property would alleviate her concerns, since a direct access road would be a shorter distance to the highway and would be less prone to snow accumulation.

The complainant approached the Rural Municipality and the Department of Highways requesting that direct access be constructed for her. Neither the Department nor the Municipality would accept responsibility for the confusion over the service road and neither would construct a direct access.

My Investigative Assistant questioned the previous landowner about the origin of the service road. This person advised that, although he could not recall exactly when the road was constructed, he did recall that the Department of Highways built the service road fronting the lots to limit the number of direct accesses onto the highway. According to him, it was not on his request and no agreement was made with the Department for the construction of this service road. He felt, at the time, that the service road was on the Department's right-of-way.

Enquiries were made with the Department's District Office and the Department's Planning and Design Branch. There was no record of an application for a direct access road from our complainant's husband in 1957, although it is possible he could have enquired about approval. It is doubtful that, with a service road in place, the Department would have given a favourable response to his application for direct access.

It was apparent that some confusion existed over who was responsible for the road. In 1971, the Department clarified its responsibility, as far as the road was concerned. By letter to the Rural Municipality, the Department stated:

> "This is to advise that Government policy is quite explicit that, where service roads are necessary adjacent to a highway, to permit further development, all costs and responsibilities for the service road are with the local government. As I understand, the origin of this road was to provide access to permit further development. There is no doubt as to the R.M. of _____ being responsible for the maintenance of the road."

Obviously, the Department was not aware, at that time, that the road was on our complainant's property.

My Investigative Assistant discussed the matter with the Secretary-Treasurer of the Rural Municipality and it was understood that the matter would be raised at a Council meeting for consideration. Our office was subsequently advised that Council was not prepared to construct a direct access for our complainant.

The Department of Highways was reluctant to construct an access road as we were informed that, to do so, would be contrary to its policy.

I considered this matter and, although I was unable to conclusively determine who was responsible for the provision of a direct access for our complainant, I did feel that the problem was largely created by the confusion over the service road which apparently was built by the Department of Highways.

I wrote to the Deputy Minister, oulining the information and evidence we had received in regard to this complaint. Although it would be difficult to make a firm determination of the occurrences over the past 25 years, I made the following comments to the Deputy Minister:

"In conclusion, it would appear to me, from the information received by our office, that the situation could be reconstructed as follows.

(1) The Department widened P.T.H. No. 3 commencing in the Fall of 1954 and completing the project in the Spring of 1955.
(2) On May 10, 1955, the Land Acquisition Branch acquired a 25.5 foot strip of right-of-way fronting Lots 6 to 11 to accommodate the highway widening.
(3) The Department constructed a service road following widening of the highway but prior to April 23, 1956 on the mistaken belief that the service road was on its right-of-way.
(4) In 1957, our complainant's husband applied for a direct access from his property but was refused as the service road provided access.
(5) The Department maintained this road periodically.
(6) In 1971, the responsibility for the road was clarified as far as the Department was concerned in that the Department advised that the Municipality was responsible for the maintenance of the road.
(7) Since discovering that the road is on our complainant's property, the Mun icipality refuses to take responsibility for maintenance."

Further, I noted that the complainant was in a rather unfortunate position and I did not feel that the problem could simply be left with her as she could not afford to construct an access road and she would face extreme hardship if the access was not constructed.

I concluded by stating that I believed that the Department had to accept some responsibility in this matter and I respectfully recommended that the Department construct an access for our complainant in accordance with the permit issued by the Highway Traffic Board.

The Deputy Minister referred the matter to his Departmental staff for comment. His staff agreed that, in light of the extensive investigation that our office had made, the Department should accept some responsibilty. It was noted that the matter could be considered to predate policy which came into effect in 1970 and, from this viewpoint, the construction of the access would not be contrary to present policy.

In conclusion, the Deputy Minister accepted my recommendation. The access road was installed and gravelled for our complainant. In addition, we were advised that, in spring, the old service road would be removed and the Department would trim the slope and radius of the new crossing.

This case illustrates that the time involved in investigating complaints received by the Ombudsman varies from case to case, depending on the complexity of the problem and the availability of information needed to support a disposition of the case.

It took about a year to resolve this matter. However, I must extend my appreciation to all concerned for their patience and co-operation during this lengthy investigation.

82-320-1 Manitoba Hydro

Dispute over the amount of consumption shown on hydro billings

Several complaints are received each year from customers of Manitoba Hydro who feel their billings are excessive. Our role in these matters has been to request a review of the account. Normally, we would be provided with actual meter readings and any estimated readings covering the period in dispute. In addition, past consumption patterns are reviewed. In most cases, we have found that customers have not taken into consideration any increases in their use of electricity. However, where it is found that a billing has been estimated and it is excessive, we find the Corporation prepared to issue an adjusted bill. Further, if the customer feels that the meter is faulty, the meter can be tested.

In this case, we received a letter from a pensioner who had disputed his billing with the Corporation. He indicated in his letter that only the fridge and hot water heater are on continually and that the billing was far too high for his limited use of electricity.

From our enquiries, it was revealed the billings were based on actual readings. The Corporation had installed a test meter for approximately ten days and the meter was found to be recording correctly. The Corporation's Service Representative, while attending at our complainant's residence to install the test meter, had assisted the pensioner by shutting off a small electric heater in his bathroom. In addition, it was noted that he owned a truck which was apparently plugged in during the winter months in dispute.

The pensioner had apparently not considered the baseboard heater and the truck block heater when reviewing his billing.

In conclusion, we could find no grounds to support his contention that the billings were excessive and inaccurate and we advised our complainant accordingly.

82-180-5 Department of Labour and Manpower
Application under Career Internship Program rejected

A local business employed students on a part-time basis during the summer months. On July 1, 1982, the employer made enquiries with the Employment and Youth Services Branch of the Department about wage assistance to allow part-time staff to be employed full-time under what is called the Career Internship Program. An application was submitted on July 5th and anticipating retroactive approval, the employer placed the students on a full-time schedule. The application was approved on July 8th, however when the Branch discovered that the students were already employed full-time, the application was rejected. Accordingly, the employer placed the students on a part-time schedule and contacted our office to object to the denial of the application.

Enquiries were made and it was evident that the purpose of the Program is not to provide assistance to pay wages of persons already fully employed. In addition, it was quite clear from the Information Brochure on the Program accompanying the application that the Branch had to approve the hiring of students prior to their full-time employment.

Although the Branch felt that the application could not be approved, it appeared that the circumstances in this case warranted further consideration.

My Investigative Assistant requested that the Director of the Branch reconsider the application in view of the fact the students were back on part-time work. The Director agreed to do this.

Subsequently, we were advised that the application for wage assistance under the Career Internship Program was approved as of July 20th and the students started full-time employment the next day.

The matter was resolved to the satisfaction of our complainant.

82-330-21 The Manitoba Public Insurance Corporation
Two assessments of liability following an incident involving two collisions.

While backing into a parallel parking spot, our complainant's vehicle collided with the vehicle behind her. Little damage was done, however, the complainant panicked and, on moving forward, she hit the vehicle in front of her, causing considerable damage.

The Corporation advised our complainant that this occurrence would be considered as two claims. The regulations under the Manitoba Public Insurance Corporation Act state that each occurrence of loss for which coverage is provided gives rise to a separate claim. As a result, our complainant was required to pay her deductible on each claim and further, the Corporation made two assessments of liability against her.

It should be noted that, where an insured has been assessed to be at fault to a degre of 50% or more for two accidents within a 12-month period, the insured is required, under the regulations, to pay a $100.00 surcharge. Therefore, as a result of considering this occurrence as two claims, the complainant was required to pay two deductibles and a $100.00 surcharge on her Driver's Licence.

Although the Corporation handled this matter quite properly in accordance with the Act, it appeared to be somewhat harsh for the complainant. We referred the matter to the Corporation for a review.

Subsequently, we were advised by the Corporation that the incident would be considered as one occurrence with two impacts causing damage to our complainant's vehicle. Accordingly, although our complainant would be required to pay two deductibles, her record would only show one incident thereby eliminating the surcharge on her Driver's Licence.

The complainant was satisfied with this, however, we cautioned her that an assessment of a surcharge would be made if she was involved in another accident within one year whereby she is deemed to be 50% or more responsible.

82-330-22 The Manitoba Public Insurance Corporation

Incorrect suspension of Driver's Licence registration and insurance

The complainant contacted our office on June 4, 1982 to request our assistance in resolving a problem over an alleged debt owing to the Corporation.

The problem surfaced when he telephoned the Motor Vehicle Branch to enquire about his Driver's Licence renewal application which he had not received. His current Driver's Licence was due to expire on June 30, 1982. He was informed that he did not receive his renewal application as his current licence registration and insurance had been cancelled on January 6, 1982 for failure to pay an amount allegedly owed to the Corporation.

The Corporation's records showed an underpayment of $64.00 dating back to September, 1981. Apparently, a letter had been sent by the Corporation to the complainant on October 15, 1981 and, when payment was not received, a registered letter was sent on January 6, 1982, cancelling his licence, registration and insurance. The complainant denied receiving notification.

Our enquiries revealed that the registered letter was signed for by the landlord of the residence where our complainant lived at the time. We advised our complainant that, as far as notification is concerned, that was a matter between him and his landlord. Nevertheless, he continued to dispute that he owed any money to the Corporation.

Enquiries were made with the Supervisor of Customer Accounts for the Corporation. The Corporation's records showed that the complainant had transferred licence plates from a 1978 motorcycle to a 1980 model. A refund had been processed for the registration on the 1978 motorcycle, however, the premium for the new registration was not paid.

On clarifying the situation with our complainant, we were advised that he had actually turned in the old plates and received new plates on registration of the 1980 motorcycle. Further, he had a receipt for $107.00 representing payment of his premium.

We obtained the licence plate numbers involved and made further enquiries with the Corporation. Further checking revealed that the Autopac agent processing the complainant's registration had mixed up the plate numbers on the documents.

In summary, it had appeared to the Corporation that a premium was outstanding on the old plates when, in fact, they had been returned.

The matter was quickly resolved in that the complainant's registration and insurance were immediately reinstated. We telephoned the Motor Vehicle Branch and explained the situation to the Registrar and we were advised that the suspension of our complainant's Driver's Licence would also be cancelled immediately.

Our complainant was very appreciative of the results.

82-330-22 The Manitoba Public Insurance Corporation

Dispute over offer of settlement

Our office receives a number of complaints each year from persons who disagree with the nature and extent of repairs authorized by the Corporation or, in some cases, the offer of settlement where a vehicle is considered to be a total loss.

The regulations under the Manitoba Public Insurance Corporation Act dealing with coverage, provide for settlement of disputes as to quantum and adequacy of repairs; specifically, where there is a disagreement, the question shall be determined by appraisers. The insured and the Corporation shall each nominate an appraiser to act on their behalf and the appraisers attempt to settle the matters in dispute. Where the appraisers cannot agree, the matter can be referred to an independent umpire.

Generally speaking, the Ombudsman Act restricts the Ombudsman from investigating any award or decision for which there is a statutory right of appeal or a right to apply for a review on the merits of the case, unless the Ombudsman is satisfied that in the particular case it would have been unreasonable to expect the complainant to resort to the tribunal or court.

The Ombudsman must always be cognizant of the fact that he is neither authorized nor qualified to determine the extent of repairs or the actual cash value of vehicles. Nevertheless, where a complaint is received and it appears that the Corporation's determination is unreasonable, our office will refer the matter to the Corporation for review. If the Corporation feels strongly, based upon reasonable grounds, that its determination is fair, our complainant is advised of his right to proceed to arbitration.

However, sometimes the complainant has provided additional information which would support a change in the Corporation's initial determination. We have found the Corporation most co-operative in these matters and quite willing to acknowledge that their original determination may require further consideration.

I refer to one case where the Corporation offered an insured $700.00 for a vehicle which was considered a total loss. The vehicle, being a 1970 Valiant Duster, had a low book value. The insured wrote to our office indicating that the vehicle was worth at least $2,000.00. He stated that the vehicle was well-maintained and it recently had a new paint job, tires, chrome wheels, and front end work. In addition, according to the insured, there was only 54,000 miles on the vehicle.

Although the book value is low, a brief review of the classified section of the local daily paper showed that this type of vehicle had a higher than average market value compared to other vehicles of the same year.

A review was requested, following which further negotiations took place. Subsequently, we were advised that our complainant had accepted an offer of $1,700.00.

This was an unusual case in that seldom have we found the Corporation to be at such a variance between its original offer and the final settlement.

However, our dealings with the Corporation show that, upon reasonable grounds, the Corporation is prepared to review and change its original determination.

82-330-46 Manitoba Public Insurance Corporation

Delay in settling claim

We received a rather lengthy letter from a person who was objecting to the delay by the Corporation in determining whether or not his claim would be honoured.

The problem began when the Winnipeg Police telephoned him to advise that his vehicle had been found on the Red River Floodway totally destroyed. Our complainant alleged that his vehicle had been stolen.

A claim was filed with the Corporation and the matter was referred to the Corporation's Special Investigative Unit. Our complainant made a number of enquiries concerning the status of his claim and he was advised that the Investigative Unit was seeking further information before a decision would be made.

The letter of complaint indicated that other parties were being questioned and that our complainant did not like being treated like a criminal.

We wrote to the Special Investigative Unit and requested a report. Subsequently, we were advised of circumstances which appeared to support the need for the Corporation to make further investigations.

Shortly thereafter, we were advised that the brother of our complainant had been charged by the City of Winnipeg Police with public mischief as he apparently had made a false report to the Police concerning his involvement in the damage to the vehicle.

The Corporation advised our complainant that coverage would be extended for his loss, but that action would be taken against his brother to recover all insurance monies paid in regard to the claim.

Our office was advised by the complainant that he no longer had a complaint against the Corporation.

The file was concluded as not supported.

82-280-3 Manitoba Telephone System

Service disconnected

A Lynn Lake resident had his telephone service disconnected for failure to pay his bill.

The problem started when he changed residence in Lynn Lake in September of 1981. He contacted the Manitoba Telephone System and requested his telephone service be transferred to his new residence. His previous service was disconnected but unfortunately his telephone was reconnected to the wrong location. It was approximately two weeks before he finally received service.

His troubles continued in that his telephone did not work properly. In his letter, he stated that it took three months to have M.T.S. repair his telephone and that was only after he refused to pay his telephone bill for December. When his telephone was repaired, he advised M.T.S. that he would pay his bill on January 10, 1982. According to our complainant, he forwarded some money on January 11, 1982, but nevertheless M.T.S. disconnected his telephone.

Enquiries were made with the General Regional Manager for M.T.S. It was confirmed that our complainant had received poor service on at least two occasions in September and December of 1981. One was a change of residence where M.T.S. had reconnected his telephone to the wrong location and on a second occasion M.T.S. had failed to repair his telephone until he had made a second and third trouble report.

However, there was another side to the story. Our complainant had only been paying a portion of his previous telephone bills. By January 1, 1982, he owed approximately $300.00. He had received a warning from M.T.S. of a pending disconnection and as payment had not been received by January 12, 1982, his telephone was in fact disconnected.

Apparently, M.T.S. had received an N.S.F. cheque from our complainant on January 27, 1982. A further payment was made on February 11th and the balance of the account was finally paid on February 24th.

However, in view of the previous arrears and the N.S.F. cheque M.T.S. had received, our complainant was advised that a credit deposit was required before service would be reinstated.

We had not received this complaint until February 25th. On that date we contacted the General Regional Manager. Subsequently, we received a report outlining the circumstances as related above. Further, we were advised of the action taken by the General Regional Manager following our enquiry.

We were advised that, in view of the original service problems that our complainant suffered in September and December of 1981, his telephone was reconnected on February 25th and the request for a credit deposit was cancelled.

The General Regional Manager felt that most of the problems could have been avoided if our complainant had contacted one of the supervisors at the outset. Nevertheless, the problem was resolved to our complainant's satisfaction thanks to the prompt review by the General Regional Manager.

82-300-10 The Workers Compensation Board

Termination of compensation benefits

A claimant with knee injuries, who was receiving benefits from the Workers Compensation Board, went to his family doctor and was told that he was able to return to work. The claimant disagreed with his doctor, saying that his knee was worse after the doctor had touched it. According to the claimant, the doctor became annoyed and advised him that the Workers Compensation Board doctor would be in contact with him.

Apparently, no one contacted the claimant and his usual benefit cheque did not arrive. He contacted the Board and was advised that his compensation benefits were cancelled due to information received that he was able to return to work. The claimant had received nothing in writing nor had the Board arranged for an examination by its doctor. The claimant contacted our office to object.

The Board was contacted and it was confirmed that, as a medical report had been received indicating that the claimant was fit to return to work, compensation benefits were suspended.

It was discovered that proper notification was not sent nor were review procedures initiated. Accordingly, the Board agreed to reinstate compensation benefits, retroactive to the date benefits ceased, and a medical examination with the Board's doctor was arranged.

The claimant later confirmed that he had received his benefits and that he would be examined by the Board's doctor. The claimant was also made aware of the established rights of appeal for claimants who disagree with decisions of the Board.

A number of complaints are received against the Board each year but these complaints deal mainly with disputes over medical opinions by qualified doctors.

I trust the complainants will apreciate that, as Ombudsman, I am not qualified to dispute the findings of qualified doctors. My duties concern matters of *administration*; e.g., to scrutinize the procedures of departments and agencies of the Provincial Government to satisfy myself that these procedures are being administered fairly and in accordance with policy and legislation.

My main concern with complaints against the Workers Compensation Board is to ensure that the claimants are aware of their rights of appeal and that they have been treated fairly by the Board.

82-440-5 Courts of Law
Dispute over Court decision

The mother of a 16 year old boy had written our office, objecting to a Juvenile Court decision of May 14, 1980, whereby her son had been convicted under the Highway Traffic Act for operating a moped while under the age of 16.

They lived in a small town in rural Manitoba and the boy, who was 13 at the time of the offence, was driving the moped on a back road. The Court, as part of the penalty, had prohibited him from obtaining a driver's licence until his 17th birthday.

The boy was now 16 and needed a driver's licence to obtain summer employment. The mother felt the Court decision was somewhat harsh, considering the circumstances.

The Ombudsman is not authorized to investigate orders or decisions of a court. Nevertheless, enquiries were made on the complainant's behalf and we were advised that the matter could be placed on a court docket for reconsideration. Correspondence was referred to the Clerk of the Court in Portage la Prairie, who was most co-operative. We were subsequently advised by the parent that the matter had been reconsidered, the original restriction waived, and the son had obtained his licence.

The file was concluded as assistance rendered.

Complete List of Complaints

Government Departments and Agencies—1982

File Number	Subject of Complaint	Disposition
Department of Agriculture—7		
82- 100-1	M.C.I.C.—Coverage denied	Not Supported
100-2	Crop Insurance—Coverage refused	Not Supported
100-3	M.C.I.C.—Insurance coverage denied	Recommendation
100-4	Year of manufacture of farm tractor	Information Supplied
100-5	Alleges unfair and discriminatory action taken against him re sale of cattle, machinery and property	Not Supported
100-6	Seeking answers re questions about quotas set by Marketing Board	Information Supplied
100-7	Problem re loan from corporation	Pending
Department of the Attorney-General—39		
82- 110-1	Allowance from estate in trust	Information Supplied
110-2	The Public Trustee—Administration of estate	Information Supplied
110-3	The Public Trustee—Protection of estate	Information Supplied
110-4	Conduct of Sheriff's Officer	Referred
110-5	Process of Prosecution	Rectified
110-6	Sale of house	Information Supplied
110-7	Requests assistance—Unable to obtain Land Title	Assistance Rendered
110-8	Court Office staff—Courtesy and assistance	Not Supported
110-9	Legal costs re Court action	Rectified
110-10	Administration of estate	Not Supported
110-11	Legal Aid refused	Information Supplied
110-12	Appointment of comittee for mental patient	Information Supplied
110-13	Court services—Availability of forms	Information Supplied
110-14	Delay in Court Hearing	Withdrawn
110-15	Unable to obtain Legal Aid	Information Supplied
110-16	Release of money held by Public Trustee	Assistance Rendered
110-17	Enforcement of Maintenance Order	Not Supported
110-18	Disposal of Court exhibits	Rectified
110-19	Disposal of estate of person under supervision of Public Trustee	Assistance Rendered
110-20	Very upset with receptionist at the Human Rights Commission	Referred
110-21	Denied Legal Aid for discharge for bankruptcy	Information Supplied
110-22	Welfare lien attaching to property from the General Registrar in respect of a person with similar name	Rectified
110-23	Breach of confidentiality by Human Rights Officer	Not Supported
110-24	Alleges Crown Prosecutor did not take appropriate action in case—Prince Albert Penitentiary inmate	Not Supported
110-25	Alleges Crown Prosecutor's Office not taking appropriate action to restore stolen property to him	Information Supplied
110-26	H.C.I. inmate—Alleges error by Crown Attorney's Office re charges	Information Supplied
110-27	Alleges Human Rights commission refused to act on complaint resulting in recurrence of medical problems	Not Supported
110-28	Objects to fact that Board accepted claim only after he engaged solicitor	Not Supported
110-29	Alleges refusal of Legal Aid has resulted in recurrence of medical problems	Not Supported
110-30	The Pas Correctional Institution inmate—Legal Aid denied	Information Supplied
110-31	Alleges inappropriate conduct by Human Rights Officer	Pending
110-32	Unable to get response from Legal Aid	Information Supplied
110-33	Claims Human Rights Commission's action in pursuing case to court is unreasonable	Pending
110-34	Questions actions of The Public Trustee	Information Supplied
110-35	Legal Aid refused	Information Supplied
110-36	Question of whether restitution should have been sought by Crown Solicitor	Information Supplied
110-37	Dispute over will	Not Supported
110-38	Land Title and Trust Fund problem due to lien registered against person with similar name	Assistance Rendered
110-39	Confiscation and destruction of radar device	Information Supplied
Department of Consumer and Corporate Affairs—34		
82 - 120-1	Landlord/tenant dispute—Repairs	Not Supported
120-2	Consumer's Bureau—Lack of proper investigation	Not Supported
120-3	Landlord/tenant—Repairs to apartment	Not Suported
120-4	Rent increases—Arbitration decision	Not Supported
120-5	Security deposit dispute	Not Supported
120-6	Procedures of Rentalsman	Information Supplied
120-7	Security deposit not returned	Pending
120-8	Securities salesman—Registration refused	Not Supported

120-9	Security Deposit—Delay	Rectified
120-10	Alleges Office of the Rentalsman not acting	Information Supplied
120-11	Difficulty in obtaining response from Rentalsman	Rectified
120-12	Landlord/tenant problem	Information Supplied
120-13	Consumer dispute	Rectified
120-14	Rentalsman—Delay in obtaining refund of damage deposit	Rectified
120-15	Rentalsman—Gas service cut off at apartment building	Assistance Rendered
120-16	Alleges long and unjust delay by Rent Regulation Bureau	Assistance Rendered
120-17	Unsanitary conditions (vermin) in apartment	Assistance Rendered
120-18	Delay in settling landlord/tenant dispute	Information Supplied
120-19	Alleges Rentalsman failed to take adequate action re landlord/tenant problem	Not Supported Assistance Rendered
120-20	Security deposit dispute—actions of Rentalsman's Officer	
120-21	Alleges breach of confidence and failure to act by Rentalsman's Office	Not Supported Information Supplied
120-22	Delay in refund of security deposit	Pending
120-23	Dispute—Landlord/tenant	
120-24	Advising Ombudsman of waterbed problem referred to Department	Information Supplied Information Supplied
120-25	Landlord/tenant dispute	Discontinued
120-26	Delay in obtaining return of security deposit	Pending
120-27	Problem re rent rebate and security deposit	Rectified
120-28	Delay in obtaining return of security deposit	Pending
120-29	Delay in obtaining return of security deposit	
120-30	Alleges that poor communication from department caused her to lose exemption from rental increase	Pending
120-31	Alleges that confusion between offices caused her to lose out on exemption from rent increase	Pending
120-32	Rentalsman—Return of security deposit	Assistance Rendered
120-33	Delay in resolving complaint	Assistance Rendered
120-34	Difficulties over agreement re rental of land	Assistance Rendered

Department of Health—54

82 - 160-1	S.M.H.C. patient—Dissatisfied with meal service	Rectified
160-2	B.M.H.C. patient—Wants discharge	Discontinued
160-3	B.M.H.C. patient—Dispute with fellow patient	Information Supplied
160-4	H.S.C. mental health patient—Wants release	Not Supported
160-5	B.M.H.C.—Voluntary patient wants discharge	Information Supplied
160-6	H.S.C. mental health patient—Wants release	Information Supplied
160-7	H.S.C. mental health patient—Wants release	Information Supplied
160-8	Detainment in S.M.H.C. in 1971	Information Supplied
160-9	B.M.H.C.—Ramblings of patient	Declined
160-10	B.M.H.C. patient—Treatment by staff	Not Supported
160-11	False report of communicable disease	Not Supported
160-12	B.M.H.C. patient—Wants discharge	Information Supplied
160-13	S.M.H.C. patient—Wants transfer	Information Supplied
160-14	H.S.C. mental health patient—Wants outdoor exercise	Information Supplied
160-15	S.M.H.C. patient—Wants release	Information Supplied
160-16	Bad assessment of employee	Not Supported
160-17	Availability of handbook for the aged	Information Supplied
160-18	S.M.H.C. patient—Wants Workers' Compensation	Information Supplied
160-19	H.S.C. mental health patient—Wants release	Information Supplied
160-20	St. Boniface General Hospital—Mental health patients wants discharge	Information Supplied Information Supplied
160-21	B.M.H.C. patient—Wants discharge	Not Supported
160-22	B.M.H.C.—Rough treatment of patient	Information Supplied
160-23	Personal Care home patient—Transfer request	Information Supplied
160-24	S.M.H.C.—Treatment of patients in mental health centres	Not Supported
160-25	B.M.H.C. patient—Wants release	Assistance Rendered
160-26	H.S.C. patient—Wants discharge	Information Supplied
160-27	S.M.H.C. patient—Wants discharge	Information Supplied
160-28	H.S.C. mental health patient—Wants interview	Rectified
160-29	S.M.H.C.—Care of patient's property	Information Supplied
160-30	S.M.H.C. patient—Control of patient's bank account	Not Supported
160-31	S.M.H.C. patient—Wants discharge	Information Supplied
160-32	H.S.C. mental health patient—Wants release	Information Supplied
160-33	Supply of wheelchairs in care homes	
160-34	Eden Mental Health Centre patient—Wants independent examination	Discontinued
160-35	H.S.C. mental health patient—Request from patient in psychiatric ward	Assistance Rendered Information Supplied
160-36	Wants certain drugs to be paid for by government	Assistance Rendered
160-37	Forced to take shower and lack of cigarette papers	
160-38	Change of status from compulsory to voluntary requested by patient—S.M.H.C.	Information Supplied

160-39	Unhappy with son's placement	Rectified
160-40	Feels unfairly certified for psychiatric care	Not Supported
160-41	S.M.H.C. patient—Alleges abuse by staff	Information Supplied
160-42	Feels Health Services Commission should pay more toward medical bill	Information Supplied
160-43	Wants to get out of mental hospital	Information Supplied
160-44	Wants a lawyer and immediate release from mental hospital	Assistance Rendered
160-45	H.S.C. patient—Wishes to be released from mental hospital	Information Supplied
160-46	B.M.H.C. patient—Feels he is being retained without reason at mental hospital	Not Supported
160-47	Complaining re medication and over not seeing her children due to being in mental hospital	Discontinued
160-48	B.M.H.C. patient—Compulsory patient wants discharge from mental hospital	Information Supplied
160-49	Request for information	Information Supplied
160-50	Afraid that husband will be prematurely released from mental hospital	Information Supplied
160-51	Claims she does not know why she has been confined to mental hospital	Information Supplied
160-52	Alleges being placed in mental hospital against her will	Information Supplied
160-53	Mental patient wants interview	Assistance Rendered
160-54	Some questions concerning post-care medication	Declined

Department of Fitness, Recreation and Sport—1

82 - 170-1	Delay in receiving Fitness Instructor's Certificate	Assistance Rendered

Department of Labour and Manpower—12

82 - 180-1	Holiday pay not paid	Referred
180-2	Non-payment of wages on severance	Information Supplied
180-3	Contractor not paid for services	Withdrawn
180-4	Recovery of wages	Information Supplied
180-5	Student employment—Grant refused	Rectified
180-6	Recovery of wages—Employment Standards Branch	Assistance Rendered
180-7	No payment of wages in lieu of notice	Information Supplied
180-8	Conduct of labour inspector	Referred
180-9	Unable to obtain trade certificate	Information Supplied
180-10	Claims she is being given the run-around	Discontinued
180-11	Alleges Department taking too long to resolve complaint	Information Supplied
180-12	Dissatisfaction with procedures followed by Manitoba Labour Board	Pending

Department of Natural Resources—6

82 - 190-1	Commercial fishing licence cancelled	Rectified
190-2	Dissatisfaction with cottage lot	Rectified
190-3	Payment for rented caterpillar tractors	Not Supported
190-4	Dispute over entitlement to compensation for hunter-killed livestock	Not Supported
190-5	Wishes to obtain joint hay or pasture lease of crown land already leased to another party	Not Supported
190-6	Disagreement over application to purchase land	Information Supplied

Department of Municipal Affairs and Northern Affairs—4

82 - 200-1	Community bridge closed	Information Supplied
200-2	Allegedly not paid for work done by request of local government district	Assistance Rendered
200-3	Concerns re tax assessment	Information Supplied
200-4	Rejection of proposed subdivision	Information Supplied

Department of Highways and Transportation—25

82 - 220-1	Application of demerit points	Information Supplied
220-2	Driver's licence—Suspension by Registrar	Discontinued
220-3	Suspension of driver's licence	Information Supplied
220-4	Retesting for driver's licence	Information Supplied
220-5	Assessment of merit points	Information Supplied
220-6	Assessment of demerit points	Not Supported
220-7	Construction of provincial road	Abandoned
220-8	Relocation of P.T.H No. 1 at Oak Lake	Information Supplied
220-9	Driver's examination procedures	Assistance Rendered
220-10	Access from highway	Not Supported
220-11	Insufficient drainage ditch	Pending
220-12	Surcharge and points assessment	Not Supported
220-13	Payment for highway contracts	Information Supplied
220-14	Supplying of Police reports to Registrar of Motor Vehicles	Referred

220-15	Difficulty with driver's examination due to communication problem	Information Supplied
220-16	Unable to get driver's licence renewed	Information Supplied
220-17	Seeking amendment to operating authority	Information Supplied
220-18	Alleges unjust ruling by Registrar of Motor Vehicles	Not Supported
220-19	Alleges unfair assessment of driving ability through road test	Referred
220-20	Seeking reinstatement of driver's licence	Information Supplied
220-21	Dissatisfied with compensation offered for expropriated land	Information Supplied
220-22	Objects to class of driver's licence issued	Not Supported
220-23	Claims departmental funding will make airport expansion possible and such expansion would adversely affect his farm	Abandoned
220-24	Alleges unfair decision re issuance of special highway permits	Not Supported
220-25	Problem re reinstatement of driver's licence	Information Supplied

Department of Education—13

82 - 230-1	Permanent Teacher's Certificate refused	Information Supplied
230-2	Classification of teacher	Not Supported
230-3	Competence of teacher and equipment at community college	Rectified
230-4	Student Social Allowance	Not Supported
230-5	Dismissal of teacher	Not Supported
230-6	Requesting assessment of problem involving community college	Information Supplied
230-7	Objecting to cancellation of Student Aid bursary	Information Supplied
230-8	Use of "Time Out Room" at School for Deaf	Rectified
230-9	Employment conditions—Teacher at Frontier School Division	Information Supplied
230-10	Refund on book purchased at R.R.C.C. refused	Not Supported
230-11	Feels Department improperly interpreting certain regulations, thereby causing a grievance	Pending
230-12	Inability to transfer service to consolidate pension	Information Supplied
230-13	Dispute over Student Aid	Pending

Department of Energy and Mines—1

82 - 240-1	Unsatisfactory insulation	Rectified

Department of Community Services and Corrections—121

82 - 260-1	Children removed from home by C.A.S.	Not Supported
260-2	H.C.I. inmate—Medical attention	Not Supported
260-3	H.C.I. inmate—Requests dentures	Abandoned
260-4	H.C.I. inmate—Requests transfer	Rectified
260-5	H.C.I. inmate—Medication	Information Supplied
260-6	Conduct of staff member towards citizen	Referred
260-7	B.C.I.—Conduct of Correctional Officer	Information Supplied
260-8	H.C.I. inmate—Remand location	Declined
260-9	W.R.C. inmate—Wants transfer	Information Supplied
260-10	W.R.C. inmate—Complaint of assault	Not Supported
260-11	H.C.I. inmate—Place of custody	Rectified
260-12	H.C.I. inmate—Conduct of Correctional Officer	Referred
260-13	Inmates complain of conditions	Information Supplied
260-14	H.C.I. inmate—Threats from other inmates	Withdrawn
260-15	H.C.I. inmate—Supply of hobby material	Not Supported
260-16	H.C.I. inmate—Medical attention	Not Supported
260-17	H.C.I. inmate—Threats by another inmate	Discontinued
260-18	H.C.I. inmate—Transfer to B.C.I.	Rectified
260-19	W.R.C. inmate—Visits refused	Not Supported
260-20	H.C.I. inmate—Medical examination refused	Not Supported
260-21	W.R.C. inmate—Medical	Discontinued
260-22	B.C.I. inmates—Correctional Officer shouting at inmates	Referred
260-23	H.C.I. inmate—Unfair punishment	Discontinued
260-24	B.C.I. inmate—Unable to obtain dental treatment	Rectified
260-25	H.C.I. inmate—Segregation	Not Supported
260-26	H.C.I. inmate—Wants transfer	Not Supported
260-27	H.C.I. inmate—Requests temporary absence	Information Supplied
260-28	H.C.I. inmate—Property of his not returned by Police	Information Supplied
260-29	H.C.I. inmate—Wants temporary absence pass	Information Supplied
260-30	H.C.I. inmate—Unfairly segregated	Not Supported
260-31	B.C.I. inmate—Medical treatment	Assistance Rendered
260-32	H.C.I. inmate—Medication refused	Not Supported
260-33	W.R.C. inmate—Complains of assault by guard	Information Supplied
260-34	B.C.I. inmate—Loss of remission	Not Supported
260-35	Insufficient pension and allowances	Information Supplied
260-36	Care services cheques not received	Rectified
260-37	H.C.I. inmate—Conditions	Not Supported
260-38	Social Allowance refused	Not Supported
260-39	S.M.P./W.R.C. inmate—Medical attention	Discontinued
260-40	W.R.C. inmate—Medication	Information Supplied

260-41	B.C.I. inmate—Wants transfer	Information Supplied
260-42	W.R.C. inmate—Medical	Not Supported
250-43	Agassiz Centre for Youth inmates—assaulted	Assistance Rendered
260-44	W.R.C. inmate—Medical examination not given	Not Supported
260-45	H.C.I. inmate—Disciplinary charge	Not Supported
260-46	The Pas Correctional Institution inmate—Wants parole	Information Supplied
260-47	Lack of assistance from Social Worker	Not Supported
260-48	B.C.I. inmate—Requests medical examination	Not Supported
260-49	H.C.I. inmate—Requests transfer	Not Supported
260-50	W.R.C. inmate—Requests medical attention	Rectified
260-51	Social Assistance—Medical costs	Information Supplied
260-52	Indiscreet comments by C.A.S. Worker	Referred
260-53	Access to Child Welfare file	Information Supplied
260-54	H.C.I. inmate—Unhygenic condition on block	Not Supported
260-55	Dismissal of casual employee	Information Supplied
260-56	H.S.C. mental health patient—Complaint re medication	Information Supplied
260-57	H.S.C., Psychiatric Ward, mental health patient—Wants release	Not Supported
260-58	Social Assistance refused	Information Supplied
260-59	Child Welfare—Custody	Declined
260-60	W.R.C. inmate—No specific complaint	Information Supplied
260-61	H.C.I. inmate—Property not transferred from Alberta	Not Supported
260-62	H.C.I. inmate—Temporary absence denied	Assistance Rendered
260-63	H.C.I. inmate—Telephone calls denied	Not Supported
260-64	B.C.I. inmate—Segregation without cause	Not Supported
260-65	H.C.I. inmate—Segregation	Not Supported
260-66	H.C.I. inmate—Refusal to work	Not Supported
260-67	H.C.I. inmate—Medical attention refused	Not Supported
260-68	H.C.I. inmate—Requests interview re rights	Information Supplied
260-69	H.C.I. inmate—Mail censored	Not Supported
260-70	B.C.I. inmate—Wants transfer to mental hospital	Information Supplied
260-71	H.C.I. inmate—Conditions in Psychiatric Block	Information Supplied
260-72	Supplementary Allowance refused	Rectified
260-73	Social Allowances refused	Rectified
260-74	Refusal of entry to drop-in centre	Not Supported
260-75	W.R.C. inmate—Conduct of guards	Not Supported
260-76	W.R.C. inmate—Use of toothettes	Discontinued
260-77	H.C.I. inmate—Search of inmate after visit	Discontinued
260-78	H.C.I. inmate—Wants interview, various matters	Information Supplied
260-79	W.R.C. inmate—Religious service unavailable and lack of exercise	Information Supplied
260-80	Questions re her rights under Child Welfare Act	Information Supplied
260-81	Concerned over alleged overcrowding of youth centre	Not Supported
260-82	Advising Ombudsman of request to Director of Child Welfare to investigate actions of Children's Aid Society	Assistance Rendered
260-83	H.C.I. inmate—Unfair treatment from guards and lack of fresh air exercise	Not Supported
260-84	H.C.I. inmates—Allege unfair and inappropriate treatment by guards	Not Supported
260-85	W.R.C. inmate—Treatment of inmate by guards	Assistance Rendered
260-86	Emotionally distraught over apprehension of children	Information Supplied
260-87	C.A.S. refuses to release newborn baby from hospital	Not Supported
260-88	H.C.I. inmate—Requests juvenile to be allowed visits	Rectified
260-89	Denial of Student Social Allowance	Information Supplied
260-90	H.C.I. inmate—Wants transfer to B.C.I.	Information Supplied
260-91	W.R.C. inmate—Complains of inefficient medical treatment at Winnipeg Remand Centre	Not Supported
260-92	H.C.I. inmate—Unable to obtain tobacco from his personal property	Information Supplied
260-93	Difficulty in attending trade course while still serving prison sentence	Assistance Rendered
260-94	W.R.C. inmate—Alleges to be experiencing many unspecified problems at Remand Centre	Assistance Rendered
260-95	Insufficient Social Allowance for deaf person	Assistance Rendered
260-96	Alleges problem with C.A.S. re handicapped son	Information Supplied
260-97	Spruce Woods Rehabilitation Camp inmate—Alleges improper conduct by Correctional Officer	Assistance Rendered
260-89	Spruce Woods Rehabilitation Camp inmate—Alleges improper conduct by Correctional Officer	Rectified
260-99	The Pas Correctional Institution inmate—Complains of treatment by staff	Not Supported
260-100	H.C.I. inmate—Article missing from personal property	Rectified
260-101	C.A.S.—Requesting help locating missing daughter	Assistance Rendered
260-102	Unable to obtain open visit with husband who is in custody at Winnipeg Remand Centre	Not Supported
260-103	Allegedly in need, but has been denied, Municipal Social Assistance even on appeal	Assistance Rendered

260-104	The Pas Correctional Institution inmate—Alleges harassment by staff of Correctional Institution	Not Supported
260-105	Portage la Prairie Correctional Centre for Women—Lack of communication facilities between certain cell block sections and main control area of women's jail at Portage la Prairie	Rectified
260-106	Alleges excessive force used by staff in restraining youths	Assistance Rendered
260-107	Feels unjustly treated re Provincial Social Assistance	Information Supplied
260-108	H.C.I. Correctional Officers—Allege that they are being forced by management to dispense medication to inmates	Rectified
260-109	H.C.I. inmate—Difficulties involving temporary absence	Information Supplied
260-110	Pre-release denied	Information Supplied
260-111	H.C.I. inmate—Requesting visit re unspecified problem	Assistance Rendered
260-112	Dispute over wages earned while employed in kitchen—H.C.I.	Rectified
260-113	Unspecified personal problems at Correctional Institution	Assistance Rendered
260-114	Social Assistance denied	Rectified
260-115	H.C.I. inmate—Temporary absence delayed	Information Supplied
260-116	Alleges Social Assistance Worker interfering with his life	Not Supported
260-117	H.C.I. inmate—Wants to be able to visit chiropractor and also wants to be relocated to another area of the Institution	Assistance Rendered
260-118	Expressing concern over cutbacks in service at youth centre	Assistance Rendered
260-119	H.C.I. inmate—Alleges unfair treatment by counsellor	Assistance Rendered
260-120	Social Assistance denied	Information Supplied
260-121	Claims Department will not pay for medication required for epilepsy	Not Supported

Civil Service Commission—5

82 - 270-1	Unfair selection and appointment	Not Supported
270-2	Unfair selection and appointment	Not Supported
270-3	Reclassification denied	Information Supplied
270-4	S.M.H.C. patient—Termination of employment	Not Supported
270-5	Loss of credited service by transferring from one Provincial Government agency to another	Not Supported

Manitoba Telephone System—13

82 - 280-1	Account dispute	Rectified
280-2	Telephone service refused	Rectified
280-3	Telephone service disconnected	Rectified
280-4	Account dispute	Rectified
280-5	Yellow Pages advertising dispute	Not Supported
280-6	Increase of tariff rates	Not Supported
280-7	Telephone ringing annoyance	Not Supported
280-8	Demand for deposit	Rectified
280-9	Dispute over bills	Assistance Rendered
280-10	Alleges telephone company has not responded adequately to his complaint re crank calls	Rectified
280-11	Incorrect business name on directory assistance listing	Rectified
280-12	Objecting to request for deposit to enable reconnection of telephone	Rectified
280-13	Feels he was unfairly treated in not being given opportunity to obtain unrequired telephone poles	Rectified

Workers Compensation Board—22

82 - 300-1	Claim denied	Rectified
300-2	Claim dispute	Pending
300-3	Compensation payment not received	Rectified
300-4	Compensation ceased	Information Supplied
300-5	Wants increase in pension	Not Supported
300-6	Compensation denied	Not Supported
300-7	Compensation ceased	Information Supplied
300-8	Compensation not received	Not Supported
300-9	Clarification re settlement of accident claim	Abandoned
300-10	Disputes termination of compensation claim	Rectified
300-11	Wondering whether illness covered by Workers Compensation Board	Assistance Rendered
300-12	Disputes findings of Medical Review Panel	Information Supplied
300-13	Problem re claim—Cheques discontinued	Assistance Rendered
300-14	Wants to appeal his case and claims he is getting no response from Board	Assistance Rendered
300-15	Dispute over claim	Information Supplied
300-16	Reduction of compensation	Rectified
300-17	Dispute over claim	Rectified
300-18	Board stalling in sending him compensation cheque	Assistance Rendered
300-19	Board refusing to accept claim, indicating more information required	Assistance Rendered

300-20	Disputes decision of Board's doctor that he is able to return to work	Pending
300-21	Dispute over claim	Discontinued
300-22	Delay in settling claim	Pending

Civil Service Superannuation Board—4

82 - 310-1	Overpayment of contributions	Not Supported
310-2	Overpayment of contributions	Not Supported
310-3	Alleges he was not advised of all benefits of purchasing previous pensionable service	Not Supported
310-4	Questions garnishment of Civil Service Superannuation Pension	Information Supplied

Manitoba Hydro—14

82 - 320-1	Account dispute	Not Supported
320-2	Excessive billing for moving building	Rectified
320-3	Account dispute	Not Supported
320-4	Damage caused by power surge	Rectified
320-5	Account dispute	Not Supported
320-6	Account dispute	Rectified
320-7	Account dispute	Information Supplied
320-8	Feels Provincial Government should be responsible for helping him remove Urea-formaldahyde foam insulation from house	Information Supplied
320-9	Dispute re cost to install service	Information Supplied
320-10	Account dispute	Not Supported
320-11	Wants Hydro pole removed to allow free access to property	Information Supplied
320-12	Possible pollution of fish spawning area by construction refuse from repairs at Hydro dam	Information Supplied
320-13	Being asked to pay difference between residential and commercial rate due to mistake made by Billing Department, Manitoba Hydro	Assistance Rendered
320-14	Letter re outstanding amount sent in error to wrong customer	Rectified

Manitoba Public Insurance Corporation—52

82 - 330-1	Claim dispute	Not Supported
330-2	Assessment of liability	Rectified
330-3	Actions of umpire in arbitration proceedings	Not Supported
330-4	Fleet coverage—Surcharge	Not Supported
330-5	Claim dispute	Abandoned
330-6	Claim dispute	Abandoned
330-7	Coverage refused because of driver's record	Not Supported
330-8	Disability payments	Information Supplied
330-9	Motorcycle insurance premiums	Information Supplied
330-10	Claim dispute	Assistance Rendered
330-11	Accident Record	Information Supplied
330-12	Claim dispute	Rectified
330-13	Claim dispute	Assistance Rendered
330-14	General insurance—Hail damage to house	Information Supplied
330-15	Claim dispute	Not Supported
330-16	Delay in settling Autopac claim	Assistance Rendered
330-17	Deferred payment of M.P.I.C. premiums	Not Supported
330-18	Claim dispute	Information Supplied
330-19	Assessment of liability	Information Supplied
330-20	Claim denied	Rectified
330-21	Accident reports for two incidents	Rectified
330-22	Insurance cancelled for non-payment of premium	Rectified
330-23	Accident liability	Rectified
330-24	General insurance—Claim dispute	Discontinued
330-25	Claim dispute	Not Supported
330-26	Claim dispute	Information Supplied
330-27	Recovery of deductible amount—Delay	Rectified
330-28	Assessment of liability	Information Supplied
330-29	Claim dispute	Information Supplied
330-30	Claim dispute	Rectified
330-31	Claim dispute—Replacement parts	Not Supported
330-32	Claim dispute	Rectified
330-33	Claim settlement	Not Supported
330-34	Insurance claim does not cover burial costs of brother	Assistance Rendered
330-35	Dispute—Assessment of liability	Not Supported
330-36	Dispute over responsibility for accident	Rectified
330-37	Assessment of liability	Rectified
330-38	Claim dispute—Value of trailer	Not Supported
330-39	Objecting to additional premium being charged due to accident	Withdrawn
330-40	Dispute over Autopac claim	Rectified
330-41	Dispute over medical costs necessitated by accident	Assistance Rendered

330-42	Dispute over claim	Information Supplied
330-43	Unable to obtain settlement of claim	Information Supplied
330-44	Requesting clarification re visit to employer by Autopac Investigator	Information Supplied
330-45	Dispute over liability assessment	Information Supplied
330-46	Claim dispute	Not Supported
330-47	Alleges delay in settling of Autopac claim	Rectified
330-48	Objects to decision of Rates Appeal Board	Not Supported
330-49	Requesting clarification re Autopac claim	Information Supplied
330-50	Alleges inappropriate treatment by Autopac adjuster	Pending
330-51	Corporation refuses to renew Motorcycle Extension Policy	Rectified
330-52	Claim denied	Rectified

Department of Environment—4

82 - 340-1	Actions of Environmental Control Officer	Not Supported
340-2	Water pollution to farmland	Assistance Rendered
340-3	Objection to immediate enforcement of Clean Environment Commission Order re the discharge of effluent from White Horse Plains Trailer Park into Assiniboine River since such action would force tenants to remove mobile homes forthwith	Assistance Rendered
340-4	Concerned with indiscriminate use of chemicals for curtailment of mosquitoes and disease carrying insects. Death rate of males in Manitoba as compared with other provinces in Canada	Declined

Department of Government Services—5

82 - 350-1	Discrimination in hiring	Not Supported
350-2	Alleges unjust treatment re proposed land purchase	Not Supported
350-3	Alleges Purchasing Bureau's new policy prevents competitive bidding on certain government contracts	Information Supplied
350-4	Alleges Department caused delay in registration of subdivision plan and feels he should be compensated accordingly	Pending
350-5	Wants copy of doctor's report	Information Supplied

Miscellaneous—1

82 - 370-1	Reclassification of employee	Not Supported

Manitoba Housing and Renewal Corporation—16

82 - 390-1	C.H.R.P.—Cost of repairs	Declined
390-2	Termination of tenancy	Information Supplied
390-3	W.R.H.A.—Unable to obtain housing unit	Rectified
390-4	Actions of Housing Authority Manager	Not Supported
390-5	Critical Home Repair denied	Information Supplied
390-6	W.R.H.A.—Allocation of housing unit	Information Supplied
390-7	C.H.R.P.—Inspection not made	Information Supplied
390-8	Interest Rate Relief—Application denied	Information Supplied
390-9	Application for Residential Rehabilitation Assistance Program refused	Not Supported
390-10	W.R.H.A.—Alleged overpayment of rent	Not Supported
390-11	C.R.I.S.P. payments—Use in assessing rent	Rectified
390-12	Consultant fees not paid	Information Supplied
390-13	W.R.H.A.—Assessment of rent	Assistance Rendered
390-14	Manitoba Interest Rate Relief Program—Application under Program denied	Assistance Rendered
390-15	Invalid tenant of W.R.H.A. unable to obtain transfer	Assistance Rendered
390-16	W.R.H.A.—Problems obtaining two-bedroom apartment	Information Supplied

Municipalities, Cities, Towns, Etc.—19

82 - 400-1	Inadequate garbage removal	Declined
400-2	Actions of City Police	Referred
400-3	Actions of School Board	Declined
400-4	Termination of Municipal Constable	Referred
400-5	Use of Municipal dyke—Denied	Information Supplied
400-6	Assessment of earnings re Social Allowances	Information Supplied
400-7	Problems re Social Assistance payments	Information Supplied
400-8	Feels Municipal Social Assistance Program being abused	Information Supplied
400-9	Residential street being used as a truck route	Information Supplied
400-10	Misleading advertisement re sale of Municipal land	Declined
400-11	City of Winnipeg—Employer/employee problem	Information Supplied
400-12	Disputes assessment of land by Municipality	Information Supplied
400-13	Drainage problem	Assistance Rendered
400-14	Requesting clarification on issue of certain Municipalities requesting passage of laws to restrict Hutterites' rights to own land	Information Supplied

400-15	Questions arising out of statement made by certain Municipalities re Hutterite colonies	Information Supplied
400-16	Questions re role of a building inspector	Information Supplied
400-17	Alleges unfair treatment by Police	Information Supplied
400-18	Alleges negligence and possible misrepresentation by village in sale of cottage lot.	Declined
400-19	Drainage dispute	Declined

Federal Departments and Agencies—17

82 - 410-1	Federal income tax—Prince Albert Penitentiary inmate	Declined
410-2	Federal income tax deductions	Information Supplied
410-3	Unemployment Insurance claim refused	Information Supplied
410-4	U.I.C. payments not made	Information Supplied
410-5	Availability of widow's pensions	Information Supplied
410-6	Rehabilitation of sex offenders	Declined
410-7	Mental state of inmate of Federal penitentiary	Referred
410-8	Employment—Federal Civil Service	Information Supplied
410-9	Federal inmate—Temporary absence	Referred
410-10	Disciplinary action by R.C.M.P. against five of its members was not severe enough	Information Supplied
410-11	Questions loss of earned remission in Federal penitentiary—S.M.P. inmate	Referred
410-12	Overtaxing royalties from oil wells by Revenue Canada	Declined
410-13	S.M.P.—Unable to obtain corrective surgery to nose	Assistance Rendered
410-14	U.I.C.—Unable to obtain U.I.C. payments	Pending
410-15	Concerned that National Native Alcohol and Drug Abuse Program may discriminate against native people	Abandoned
410-16	Denial of temporary leave for Christmas—S.M.P. inmate	Referred
410-17	Unable to obtain immediate sponsorship for nursing course	Information Supplied

Private Matters—38

82 - 420-1	Family dispute	Information Supplied
420-2	Private dispute—Sale of property	Declined
420-3	Servicing of oil burner	Referred
420-4	Dispute with retail store	Declined
420-5	Refund on beauty aids	Referred
420-6	Settlement of estate	Information Supplied
420-7	Civil business dispute	Declined
420-8	Refund of air fare denied	Referred
420-9	Withdrawals from bank account	Declined
420-10	Recovery of investment in company	Information Supplied
420-11	Settlement of estate	Declined
420-12	Mail order transaction	Referred
420-13	Dissatisfaction with airline	Referred
420-14	Request for information—Occupancy of condominium	Information Supplied
420-15	Dissatisfaction with lawyer	Information Supplied
420-16	Business transaction	Information Supplied
420-17	Dispute with retail store	Referred
420-18	Awarding of university assistantships	Declined
420-19	Civil claim for injuries	Declined
420-20	Recovery of deposit on house purchase	Information Supplied
420-21	Actions of lawyers and Law Society	Declined
420-22	Difficulty securing employment	Assistance Rendered
420-23	Questions "morality" of operator of foster home for mental patients inheriting patient's estate by will	Information Supplied
420-24	Unable to obtain death certificate from Northwest Territories	Assistance Rendered
420-25	Difficulties with tractors	Information Supplied
420-26	Requesting investigations re legal matter	Information Supplied
420-28	Dispute over work performed on car	Information Supplied
420-29	Alleges poor workmanship and overcharging on installation of windows	Assistance Rendered
420-30	Feels his life has been ruined by not being permitted to practice psychiatry again, after having been hospitalized for mental illness.	Information Supplied
420-31	Financial difficulties	Declined
420-32	Problems with company over installation of windows	Referred
420-33	Complaint against law firm	Referred
420-34	Complaint against bank	Referred
420-35	Concerned over employer releasing information on her wages to other employees	Declined
420-36	Complaint re investigation of sexual assault	Declined
420-37	Wanted to know position of Ombudsman re persons with mental health problems	Information Supplied
420-38	Claim against New Home Certification Program	Abandoned
420-39	Difficulties re demand loan	Information Supplied

No Specific Complaint Made—2

82 - 430-1	No specific complaint	Declined
430-2	Ramblings	Declined

Courts of Law—13

82 - 440-1	Decision of Small Claims Court	Declined
440-2	Charges stayed by court	Declined
440-3	Court proceedings—Bankruptcy	Declined
440-4	Request for assistance in preparing defense	Declined
440-5	Court decision	Assistance Rendered
440-6	W.R.C. inmate/Correctional Centre for Women, Portage la Prairie—Objection to bail set by court	Declined
440-7	Apparent injustice in sentence of court	Assistance Rendered
440-8	S.M.P. inmate—Concerned over court proceedings	Declined
440-9	Inmate of correctional institution feels court sentence too harsh	Declined
440-10	Feels Judge's decision convicting his brother is wrong	Referred
440-11	Unhappy with court proceedings, decision of Judge, lawyers and Law Society	Referred
440-12	Objecting to Court Maintenance Order	Information Supplied
440-13	Alleges Magistrate improperly handled matter involving speeding ticket	Declined

Request for Assistance—9

82 - 450-1	Unable to obtain lawyer	Information Supplied
450-2	School regulations unjust	Information Supplied
450-3	Request for assistance	Information Supplied
450-4	Objection to government policy	Declined
450-5	Request for information re civil debt	Information Supplied
450-6	Request for assistance	Information Supplied
450-7	Inquiries for health service coverage	Assistance Rendered
450-8	Requesting information re insurability of travel costs in connection with dialysis treatment	Information Supplied
450-9	Requesting information re appeal process in Workers' Compensation cases	Information Supplied

The Ombudsman Act

CHAPTER O45

THE OMBUDSMAN ACT.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Definitions.

1 In this Act

(a) "agency of the government" means any board, commission, association, or other body of persons, whether incorporated or unincorporated, all the members of which, or all the members of the board of management or board of directors of which,

(i) are appointed by an Act of the Legislature or by order of the Lieutenant Governor in Council, or

(ii) if not so appointed, in the discharge of their duties are public officers or servants of the Crown, or for the proper discharge of their duties are, directly or indirectly, responsible to the Crown;

(b) "department" means a department or branch of the executive government of the province;

(c) "minister" means a member of the Executive Council.

En. S.M., 1969, (2nd Sess.), c. 26, s. 1.

Appointment of Ombudsman.

2(1) The Lieutenant Governor in Council shall, on the recommendation of the Standing Committee of the Assembly on Privileges and Elections, appoint a Canadian citizen as Ombudsman for the Province of Manitoba.

Am. S.M. 1982, c. 51, s. 21.

Recommendations of committee on privileges and elections.

2(2) Where

(a) the office of Ombudsman is vacant; or

(b) the term of the Ombudsman in office will expire within 12 months; or

(c) the Ombudsman has tendered his resignation to take effect within 12 months;

the President of the Executive Council shall convene a meeting of the Standing Committee of the Assembly on privileges and elections which shall consider persons suitable and available to be appointed as Ombudsman and shall make recommendations in respect thereto to the President of the Executive Council.

En. S.M. 1980, c. 22, s. 1.

Meeting of Standing Committee.

2(3) The Standing Committee of the Assembly on Privileges and Elections may, for the purposes of performing its functions under this section, meet during session of the Legislature or during recess after prorogation.

Am. S.M. 1982, c. 51, s. 21.
En. S.M. 1969, (2nd Sess.), c. 26, s. 2.
Am. S.M. 1980, c. 22, s. 1; S.M. 1982, c. 51, s. 21.

Officer of Legislature.

3(1) The Ombudsman is an officer of the Legislature and is not eligible to be nominated for, elected as, or sit as, a member of the assembly.

Restrictions on employment.

3(2) The Ombudsman shall not hold any other public office or carry on any trade, business, or profession.

En. S.M., 1969, (2nd Sess.), c. 26, s. 3.

Term of office.

4(1) Unless he sooner resigns, dies or is removed from office, the Ombudsman shall hold office for six years from the date of his appointment, and a person may be re-appointed for a second term of six years, but not for more than two terms of six years.

Resignation.

4(2) The Ombudsman may resign his office in writing addressed to the Speaker of the assembly, or, if there is no Speaker or the Speaker is absent, to the clerk of the assembly.

Ombudsman over 65.

4(3) Where the Ombudsman reaches 65 years of age during his term of office, notwithstanding section 54 of The Civil Service Superannuation Act, he is not required to retire from the office but he shall, for the purposes of that Act, be deemed to have retired and been re-employed by the government for the balance of his unexpired term of office and may apply for and be granted a deferred allowance under section 27 of that Act.

En. S.M. 1980, c. 22, s. 2.
En. S.M. 1969, (2nd Sess.), c. 26, s. 4.
Am. S.M. 1980, c. 22, s. 2.

Removal or suspension.

5 The Lieutenant Governor in Council, on a resolution of the assembly carried by a vote of two-thirds of the members of the assembly voting thereon, may remove the Ombudsman from office or suspend him.

En. S.M., 1969, (2nd Sess.), c. 26, s. 5.

Suspension when Legislature not sitting.

6(1) At any time the Legislature is not in session, the Lieutenant Governor in Council may suspend the Ombudsman for disability, neglect of duty, misconduct or bankruptcy proved to the satisfaction of the Lieutenant Governor in Council, but the suspension shall not continue in force beyond the end of the next ensuing session of the Legislature.

Acting Ombudsman.

6(2) Where the office of the Ombudsman is vacant, or the Ombudsman is suspended under subsection (1), the Lieutenant Governor in Council shall appoint an acting Ombudsman to hold office until another Ombudsman is appointed under section 2 or the suspension has been dealt with in the assembly.

En. S.M., 1969, (2nd Sess.), c. 26, s. 6.

Salary.

7(1) The Ombudsman shall be paid a salary fixed by the Lieutenant Governor in Council, which shall be charged to and paid out of the Consolidated Fund.

Reduction of salary.

7(2) The salary of the Ombudsman shall not be reduced except on resolution of the assembly carried by a vote of two-thirds of the members of the assembly voting thereon.

En. S.M., 1969, (2nd Sess.), c. 26, s. 7.

Expenses.

8 The Ombudsman shall be paid such travelling and out of pocket expenses incurred by him in the performance of his duties as may be approved by the Provincial Auditor.

En. S.M., 1969, (2nd Sess.), c. 26, s. 8.

Application of Civil Service Superannuation Act.

9(1) The Ombudsman, and all persons employed under him, are employees within the meaning of The Civil Service Superannuation Act.

Application of Civil Service Act.

9(2) The Ombudsman is not subject to The Civil Service Act except section 44 thereof which applies to him but he is entitled to the privileges and perquisites of office, including holidays, vacations, sick leave and severance pay, of a member of the civil service who is not covered by a collective agreement.

En. S.M. 1980, c. 22, s. 3.

Employees under Ombudsman.

9(3) The Civil Service Act applies to persons employed under the Ombudsman.

En. S.M. 1969, (2nd Sess.), c. 26, s. 9.
Am. S.M. 1980, c. 22, s. 3.

Oath of office.

10 Before beginning to perform his duties, the Ombudsman shall take an oath before the Speaker of the Assembly or the Clerk of the Assembly that he will faithfully and impartially perform the duties of his office and that he will not, except as herein provided, divulge any information received by him under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 10.

Oath of staff.

11 Every person employed under the Ombudsman shall, before he begins to perform the duties, take an oath before the Ombudsman that he will not, except as herein provided, divulge any information received by him under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 11.

Secrecy.

12(1) The Ombudsman and every person employed under him shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their duties or functions under this Act.

Disclosure in reports.

12(2) Notwithstanding subsection (1) or any oath taken under this Act, the Ombudsman may disclose in a report made by him under this Act any matters which he considers necessary to disclose in order to establish grounds for his conclusions and recommendations.

En. S.M., 1969, (2nd Sess.), c. 26, s. 12.

Powers under Part V of Evidence Act.

13 The Ombudsman has the protection and powers of a commissioner appointed under Part V of The Manitoba Evidence Act; but section 87 of The Manitoba Evidence Act does not apply to the Ombudsman and no notice of appointment, of the purpose and scope of inquiries to be made by the Ombudsman, or of the time and place of the holding of any hearing or inquiry by the Ombudsman, need be published as required under section 88 of The Manitoba Evidence Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 13.

Delegation.

14(1) The Ombudsman may in writing delegate to any person any of his powers under this Act except the power of delegation under this section and the power to make a report under this Act.

Evidence of delegation.

14(2) A person purporting to exercise the power of the Ombudsman by virtue of the delegation under subsection (1) shall produce evidence of his authority to exercise that power when required to do so.

En. S.M., 1969, (2nd Sess.), c. 26, s. 14.

Investigations.

15 The Ombudsman may, on a written complaint or on his own initiative, investigate any decision or recommendation made, including any recommendation made to a minister, or any act done or omitted, relating to a matter of administration in or by any department or agency of the government, or by any officer, employee or member thereof, whereby any person is or may be aggrieved.

En. S.M., 1969, (2nd Sess.), c. 26, s. 15.

Reference by committees of assembly.

16(1) A committee of the assembly may at any time refer to the Ombudsman, for investigation and report by him, any petition or matter that is before that committee for consideration; and the Ombudsman shall

(a) subject to any special directions of the committee, investigate the petition or matter referred to him so far as it is within his jurisdiction; and
(b) make such report to the committee as he thinks fit.

Reference by Lieutenant Governor in Council.

16(2) The Lieutenant Governor in Council may at any time refer to the Ombudsman, for investigation and report by him, any matter relating to administration in or by any department or agency of the government, or by any officer, employee or member thereof; and the Ombudsman shall,

(a) subject to any special direction of the Lieutenant Governor in Council, investigate the matter referred to him so far as it is within his jurisdiction; and
(b) make such report to the Lieutenant Governor in Council as he thinks fit.

En. S.M., 1969, (2nd Sess.), c. 26, s. 16.

Exercise of powers, etc.

17 The Ombudsman may exercise and perform the powers, duties and functions conferred or imposed on him under this Act notwithstanding any provision of any other Act of the Legislature

(a) that any decision, recommendation, act or omission that he is investigating is final; or
(b) that no appeal lies in respect thereof; or
(c) that no proceeding or decision of the department, agency of the government, officer, employee, or person whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

En. S.M., 1969, (2nd Sess.), c. 26, s. 17.

Restriction on jurisdiction.

18 Nothing in this Act authorizes the Ombudsman to investigate

(a) any decision, recommendation, act, order or omission of the Legislature, the assembly, the Lieutenant Governor, a committee of the assembly, the Lieutenant Governor in Council, the Executive Council, or a committee of the Executive Council; or

(b) any order, decision or omission of a court, a judge of a court, a referee or master of a court, a magistrate or a justice of the peace made or given in any action or proceeding in the court, or before the judge, referee, master, magistrate or justice of the peace; or

(c) any award, decision, recommendation or omission of an arbitrator or board of arbitrators in an arbitration to which The Arbitration Act applies; or

(d) any decision, recommendation, act or omission in respect of which there is, under any Act a right of appeal or objection or a right to apply for a review on the merits of the case to any court or tribunal constituted by or under an Act of the Legislature, whether or not that right of appeal, objection or application has been exercised in the particular case and whether or not any time prescribed for the exercise of that right has expired, unless the Ombudsman is satisfied that in the particular case it would have been unreasonable to expect the complainant to resort to the tribunal or court, but in that case investigation shall not commence until after the time prescribed for the exercise of that right to appeal, object or apply, has expired.

En. S.M., 1969, (2nd Sess.), c. 26, s. 18.

Restriction on investigation by minister.

19(1) Where the Attorney-General certifies in writing to the Ombudsman that the investigation of a matter would be contrary to the public interest under the circumstances, the Ombudsman shall not investigate that matter, or, if he has commenced an investigation of that matter, he shall discontinue the investigation.

Report of certificate.

19(2) Where a certificate is given under subsection (1), the Ombudsman shall include that fact and a brief description of the circumstances of the matter in his next annual report to the assembly.

En. S.M., 1969, (2nd Sess.), c. 26, s. 19.

Questions relating to jurisdiction.

20 Where a question arises as to the jurisdiction of the Ombudsman to investigate any case or class of cases under this Act, he may apply to the Court of Queen's Bench for a declaratory order determining the question.

En. S.M., 1969, (2nd Sess.), c. 26, s. 20.

Complaints in writing.

21 Every complaint to the Ombudsman shall be made in writing.

En. S.M., 1969, (2nd Sess.), c. 26, s. 21.

Privacy of communication to Ombudsman.

22 Notwithstanding any Act, where a letter written by a person in custody on a charge or after conviction for an offence, or by an inmate in any hospital, mental hospital, home or institution operated by or under the direction of the government, or by any person in custody of another person for any other reason, is addressed to the

Ombudsman, it shall be forwarded immediately, unopened, to the Ombudsman by the person for the time being in charge of the place or institution where the writer of the letter is detained or in which he is an inmate, or by the person having custody of the writer.

En. S.M., 1969, (2nd Sess.), c. 26, s. 22.

Refusal to investigate.

23(1) The Ombudsman, in his discretion, may refuse to investigate or may cease to investigate a complaint if

(a) it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than one year before the complaint is received by the Ombudsman; or
(b) in his opinion it is frivolous or vexatious or not made in good faith or concerns a trivial matter; or
(c) in his opinion, upon a balance between the public interest and the person aggrieved, it should not be investigated or the investigation should not be continued; or
(d) in his opinion the circumstances of the case do not require investigation.

Limitation on review of discretionary powers.

23(2) Where, in the course of or after an investigation of any decision, act or omission, done or omitted by a department or agency of the government, or any officer or employee thereof in the exercise of a discretion vested in that department, agency, officer, or employee, the Ombudsman is satisfied that the decision, act or omission is not clearly wrong or unreasonable, the Ombudsman shall make no further investigation of the matter and shall report to the complainant that he is so satisfied.

En. S.M., 1969, (2nd Sess.), c. 26, s. 23.

Report of refusal to investigate.

24 Where the Ombudsman decides not to investigate or to cease investigating a complaint he shall inform the complainant, and any other interested person, of his decision.

En. S.M., 1969, (2nd Sess.), c. 26, s. 24.

Notice of investigation.

25 Before investigating a complaint, the Ombudsman shall inform the deputy minister or the administrative head of the department or agency of the government affected of his intention to make the investigation.

En. S.M., 1969, (2nd Sess.), c. 26, s. 25.

Private investigations.

26 Every investigation by the Ombudsman under this Act shall be conducted in private.

En. S.M., 1969, (2nd Sess.), c. 26, s. 26.

Hearings.

27 The Ombudsman may hold hearings and hear or obtain information from any person and make inquiries as he thinks fit.

En. S.M., 1969, (2nd Sess.), c. 26, s. 27.

Right to be heard.

28 The Ombudsman is not required to hold a hearing and no person is entitled, as of right, to be heard by the Ombudsman; but, if at any time it appears to the Ombudsman that there is sufficient grounds for his making a report or recommendation in respect of any matter that may adversely affect any department, agency of the government, or person, he shall give to that department, agency, or person, an opportunity to make representations in respect of the matter, and the department, agency, or person may make representations in respect of the matter by counsel.

En. S.M., 1969, (2nd Sess.), c. 26, s. 28.

Consultation with minister.

29(1) The Ombudsman may, at any time during or after an investigation, consult any minister who is concerned in the matter of the investigation.

Reference to deputy minister.

29(2) Where, during or after an investigation, the Ombudsman is of the opinion that there is evidence of a breach of duty or misconduct by a department or agency of the government or any officer or employee thereof, he shall refer the matter to the deputy minister or administrative head of the department or agency of the government.

En. S.M., 1969, (2nd Sess.), c. 26, s. 29.

Evidence.

30(1) Subject to section 31, the Ombudsman may require any person who, in his opinion, is able to give any information relating to any matter being investigated by him

(a) to furnish the information to him; and
(b) to produce any document, paper or thing that in his opinion relates to the matter being investigated and that may be in the possession or under the control of that person;

whether or not that person is an officer, employee or member of the department or agency of the government and whether or not the document, paper or thing is in the custody or under the control of a department or agency of the government.

Examination on oath.

30(2) The Ombudsman may summon before him and examine on oath

(a) any person who is an officer or employee or member of any department or agency of the government and who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him;
(b) any complainant; and
(c) any other person who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him.

En. S.M., 1969, (2nd Sess.), c. 26, s. 30.

Restrictions on disclosures.

31 Where the Attorney-General certifies that the giving of any information or the answering of any question or the production of any document, paper or thing might involve the disclosure of

(a) the deliberations of the Lieutenant Governor in Council, the Executive Council, or any committee thereof; or
(b) proceedings of the Lieutenant Governor in Council, the Executive Council, or any committee thereof; or

(c) matters of a secret or confidential nature, or the disclosure of which would be injurious to the public interest;

the Ombudsman shall not require the information or answer to be given or the document, paper or thing to be produced, but shall report the giving of the certificate and the matter in respect of which it was given in his next annual report to the assembly.

En. S.M., 1969, (2nd Sess.), c. 26, s. 31.

Application of certain rules.

32(1) Subject to section 31, a rule of law that authorizes or requires the withholding of any document, paper or thing, or the refusal to answer any question, on the ground that the disclosure or answering would be injurious to the public interest does not apply in respect of any investigation by or proceedings before the Ombudsman.

Provisions relating to secrecy.

32(2) Subject to section 31, no provision of any Act of the Legislature requiring a person to maintain secrecy in relation to, or not to disclose information relating to, any matter shall apply in respect of an investigation by the Ombudsman; and no person required by the Ombudsman to furnish information or to produce any document, paper or thing or summoned by the Ombudsman to give evidence, shall refuse to furnish the information, produce the document, paper or thing, or to answer questions on the ground of any such provision.

Am. S.M. 1979, c. 28, s. 28.
En. S.M. 1969, (2nd Sess.), c. 26, s. 32.
Am. S.M. 1979, c. 28, s. 28.

Admissibility of evidence.

33 Except on the trial of a person for perjury, no statement made, or answer or evidence given by that or any other person in the course of an investigation by or any proceedings before the Ombudsman is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence respecting proceedings before the Ombudsman shall be given against any person.

En. S.M., 1969, (2nd Sess.), c. 26, s. 33.

Defence for certain offences.

34 No person is guilty of an offence against any other Act of the Legislature by reason of his compliance with any request or requirement of the Ombudsman to furnish information or produce any document, paper or thing, or by reason of answering any question in any investigation of the Ombudsman.

En. S.M., 1969, (2nd Sess.), c. 26, s. 34.

Right of entry.

35(1) For the purposes of this Act, the Ombudsman may at any time enter upon the premises occupied by any department or agency of the government and, subject to section 31, carry out therein any investigation within his jurisdiction.

Notice of entry.

35(2) Upon entering any premises under subsection (1), the Ombudsman shall notify the deputy minister or administrative head of the department or agency of the government that occupies the premises.

En. S.M., 1969, (2nd Sess.), c. 26, s. 35.

Report on investigation.

36(1) Where, after making an investigation under this Act, the Ombudsman is of opinion

(a) that a decision, recommendation, act or omission that is the subject matter of the investigation appears to have been
  (i) contrary to law, or
  (ii) unreasonable, or
  (iii) unjust, or
  (iv) oppressive, or
  (v) improperly discriminatory, or
  (vi) in accordance with a practice or procedure that is or may be unreasonable, unjust, oppressive, or improperly discriminatory, or
  (vii) based wholly or partly on a mistake of law or fact, or
  (viii) wrong; or

(b) that in making a decision or recommendation, or in doing or omitting an act, a power or right has been exercised
  (i) for an improper purpose, or
  (ii) on irrelevant grounds, or
  (iii) on the taking into account of irrelevant considerations; or

(c) that reasons should have been given for a decision, recommendation, act or omission that was the subject matter of the investigation;

the Ombudsman shall report his opinion and his reasons therefor to the appropriate minister and to the department or agency of the government concerned, and may make such recommendations as he thinks fit.

Nature of recommendations.

36(2) Without limiting the generality of subsection (1), in making a report under subsection (1), the Ombudsman may recommend

(a) that a matter should be referred to the appropriate authority for further consideration; or
(b) that an omission should be rectified; or
(c) that a decision should be cancelled or varied; or
(d) that any practice on which a decision, recommendation, act or omission was based should be altered or reviewed; or
(e) that any law on which a decision, recommendation, act or omission was based should be reconsidered; or
(f) that reasons should be given for any decision, recommendation, act or omission; or
(g) that any other steps should be taken.

En. S.M., 1969, (2nd Sess.), c. 26, s. 36.

Notice of proposed steps.

37(1) Where the Ombudsman makes a recommendation under section 36, he may request the department or agency of the government to notify him within a specified time of the steps that it has taken or proposes to take to give effect to his recommendations.

Further report on recommendations.

37(2) If within a reasonable time after a request respecting recommendations is made under this section, no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, in his discretion, after considering the comments, if any, made by or on behalf of the department or agency of the government affected, may report the matter, including a copy of the report containing the recommendations, to the Lieutenant Governor in Council, and may thereafter mention the report in his next annual report to the assembly.

Comments included in report.

37(3) Any report made under subsection (2) shall include any comments made by or on behalf of the department or agency of the government upon the opinion or recommendation of the Ombudsman.

En. S.M., 1969, (2nd Sess.), c. 26, s. 37.

Report to complainant.

38 Where the Ombudsman makes an investigation on the basis of a complaint received by him, he shall report to the complainant, in such manner and at such time as he thinks proper, the result of the investigation.

En. S.M., 1969, (2nd Sess.), c. 26, s. 38.

Review of Ombudsman's decision.

39 No proceeding of the Ombudsman is void for want of form and, except on the ground of lack of jurisdiction, no proceedings or decisions of the Ombudsman shall be challenged, reviewed, quashed or called in question in any court.

En. S.M., 1969, (2nd Sess.), c. 26, s. 39.

Proceedings against Ombudsman prohibited.

40 No proceedings lie against the Ombudsman or against any person employed under him for anything he may do or report or say in the course of the exercise or performance, or intended exercise or performance of his functions and duties under this Act, unless it is shown he acted in bad faith.

En. S.M., 1969, (2nd Sess.), c. 26, s. 40.

Ombudsman not to be called as witness.

41 The Ombudsman and any person employed under him shall not be called to give evidence in any court or in any proceedings of a judicial nature in respect of anything coming to his knowledge in the exercise or performance of his functions and duties under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 41.

Annual report to Legislature.

42 The Ombudsman shall report annually to the assembly through the Speaker on the exercise and performance of his functions and duties under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 42.

Publication of reports.

43 In the public interest, or in the interest of a person, department or agency of the government, the Ombudsman may publish reports relating generally to the exercise and performance of his functions and duties under this Act or to any particular case investigated by him, whether or not the matters to be dealt with in the report have been the subject of the report made to the assembly under this Act.

En. S.M., 1969, (2nd Sess.), c. 26, s. 43.

Rules.

44(1) The assembly may make general rules for the guidance of the Ombudsman in the exercise and performance of his functions and duties under this Act.

Procedure of Ombudsman.

44(2) Subject to this Act and any rules made under subsection (1), the Ombudsman may determine his procedure.

En. S.M., 1969, (2nd Sess.), c. 26, s. 44.

Offence and penalty.

45 Every person who

(a) without lawful justification or excuse wilfully obstructs, hinders, or resists the Ombudsman or any other person in the exercise or performance of his functions and duties under this Act; or

(b) without lawful justification or excuse refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act; or

(c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise or performance of his functions and duties under this Act;

is guilty of an offence and liable, on summary conviction, to a fine of not more than five hundred dollars or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

En. S.M., 1969, (2nd Sess.), c. 26, s. 45.

Additional remedies.

46 The provisions of this Act are in addition to the provisions of any other Act or rule of law under which any remedy or right of appeal or objection is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure.

En. S.M., 1969, (2nd Sess.), c. 26, s. 46.

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